UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA

TYRA GRAHAM,

Plaintiff,

V.

WAL-MART STORES, INC.

Defendant.

Case No. 2:14-cv-02916-MCE-CMK

Judge: Hon. Morrison C. England, Jr.

STIPULATION AND ORDER

Come now the Parties, Plaintiff Tyra Graham and Defendant Wal-Mart Stores, Inc., and move this Court to approve the following stipulation:

1) The purpose of this Stipulation is to avoid duplication in re-deposing witnesses in the instant matter, *Graham vs. Wal-Mart Stores, Inc.* (hereinafter ("*Graham*"), who were already deposed in cases styled as *Blankenship vs. Wal-Mart Stores, Inc.* (Case No. 2:14-CV-26529 in the U.S. District Court for the Southern District of West Virginia Charleston Division and hereinafter "*Blankenship*") and *Locke vs. Wal-Mart Stores, Inc.* (Case No. 13-CV-033-FHS in the United States District Court for the Eastern District of Oklahoma and hereinafter "*Locke*"). In an effort to avoid duplication, the Parties agree to treat the following video depositions and each accompanying transcript and exhibit as if those video depositions were taken in *Graham*:

- a. Jorge Garcia, deposed in Blankenship on May 29, 2015
- b. Cara Rose, deposed in *Blankenship* on May 28, 2015,
- c. Cindy Hay deposed in Blankenship on May 28, 2015,

d. Joe Bussell deposed in *Blankenship* on May 29, 2015 and August 13, 2015,

e. Tracy Lieberman deposed in *Blankenship* on May 28, 2015 and August 13, 2015.

f. Paul Craig deposed in Locke on March 5, 2014,

g. Elizabeth Gamez deposed in Locke on March 5, 2014, and

h. Linda McCall deposed in *Locke* on March 4, 2014.

2) The use of the Rule 30(b)(6) video deposition of Joe Bussell dated August 13, 2015 and the Rule 30(b)(6) video deposition of Tracy Lieberman dated August 13, 2015 in *Blankenship* will be in lieu of Plaintiff's noticing new 30(b)(6) video depositions in *Graham* subject to paragraph 4 of this Stipulation.

3) Wal-Mart does not waive its objections to relevance and admissibility of any of the aforementioned video depositions, transcripts and exhibits in the instant *Graham* matter, including but not limited to objections pursuant to Federal Rules of Civil Procedure and Federal Rules of Evidence.

4) Paragraph 2 of this Stipulation is conditioned on Wal-Mart's written response to Plaintiff's request for "The number of individuals who have alleged safety interlock failure on the GE Food Processor to date, the nature of the complaint, the alleged injury, the date the injury occurred, the name and contact information of the individual, and the date that Wal-Mart received notice of the complaint." Whether such response is "responsive" and thus negates the need for a 30(b)(6) deposition to occur on the aforementioned topic depends on mutual agreement of the Parties. Wal-Mart does not waive its right to assert appropriate objections in response to the aforementioned topic in conjunction with responding to same. 5) No portion of this stipulation is intended to waive or amend any term in the protective order to which the parties agreed in the instant *Graham* matter (Document 18, filed April 3, 2015). No portion of this stipulation is intended to waive or amend any term in the protective order to which Wal-Mart and plaintiff Andrea Locke stipulated in the *Locke* matter. No portion of this stipulation is intended to waive or amend any term in the protective order to which Wal-Mart and plaintiffs Tina and Mark Blankenship stipulated in the *Blankenship* matter.

/s/ Anna C. Gehriger (As authorized on 2/16/2016) Anna C. Gehriger, Esq. PSA Phillips Spallas & Angstadt, LLP 505 Sansome Street, Sixth Floor San Francisco, CA 94111 Counsel for Defendant Wal-Mart Stores, Inc.

<u>/s/ Michael E. Carr</u> Michael E. Carr Carr & Carr Attorneys 4416 South Harvard Ave. Tulsa, OK 74135 Counsel for Plaintiff Tyra Graham

ORDER

The Parties having so stipulated and agreed, IT IS SO ORDERED.

Dated: February 29, 2016

MORRISON C. ENGLAND, JR., CHIEF JUDGE UNITED STATES DISTRICT COURT