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9 IN THE UNITED STATES DISTRICT COURT
 10 FOR THE EASTERN DISTRICT OF CALIFORNIA
 11 SACRAMENTO DIVISION

13 **Estate of HUGO PINELL, deceased, by and**
 14 **through ALLEGRA CASIMIR-TAYLOR,**
 15 **as Successor in Interest and ALLEGRA**
 16 **CASIMIR-TAYLOR, Individually,**
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 19 **STATE OF CALIFORNIA, CALIFORNIA**
 20 **DEPARTMENT OF CORRECTIONS AND**
 21 **REHABILITATION, SCOTT KERNAN,**
 22 **RON RACKLEY, and DOES 1 through 100,**
 23 **inclusive,**
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2:16-cv-02309 TLN DB

STIPULATION REGARDING DNA TESTING; ORDER

Plaintiff,

v.

Defendants.

Judge: The Honorable Troy L. Nunley
 Trial Date: Not Set
 Action Filed: September 23, 2016

The Parties to this action, through their respective counsel, stipulate as follows:

1. The Parties have agreed to attempt to resolve the issue of whether Allegra Casimir-Taylor is, in fact, the daughter of Hugo Pinell, and has standing to maintain this action, by conducting DNA testing.

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1 2. The DNA testing will be completed by the California Department of Justice Bureau
2 of Forensic Sciences.

3 3. Allegra Casimir-Taylor will have her blood drawn by a lab selected, and as directed,
4 by the California Department of Justice Bureau of Forensic Sciences.

5 4. Allegra Casimir-Taylor will make her best efforts to obtain an agreement from her
6 mother to provide a blood sample for DNA testing. If Allegra Casimir-Taylor's mother agrees to
7 provide a blood sample, her mother's blood will be drawn by a lab selected, and as directed, by
8 the California Department of Justice Bureau of Forensic Sciences.

9 5. A representative of the California Office of the Attorney General reserves the right to
10 be present at the lab when both Allegra Casimir-Taylor and her mother provide their respective
11 blood samples.

12 6. A blood sample from Hugo Pinell will be obtained by the California Department of
13 Justice Bureau of Forensic Sciences

14 7. The hearing of Defendants' motion to dismiss, currently set for July 13, 2017, will be
15 continued to September 21, 2017, pending the DNA testing.

16 8. If the results of the DNA testing are conclusive, the Parties agree to be bound by the
17 results. If DNA testing determines that Allegra Casimir-Taylor is the daughter of Hugo Pinell,
18 Defendants will drop their challenge to Allegra Casimir-Taylor's standing to sue. If DNA testing
19 determines that Allegra Casimir-Taylor is not the daughter of Hugo Pinell, Allegra Casimir-
20 Taylor will dismiss the action with prejudice.

21 9 In the event that the results of the DNA testing are inconclusive, Allegra Casimir-
22 Taylor's standing to sue will be determined by the Court, but no party is precluded from relying
23 on or otherwise using the results to support their respective positions regarding Allegra Casimir-
24 Taylor's standing to maintain this action.

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1 10. If any party desires to file the results of the DNA testing with the Court, that party
2 will ensure that the results are filed under seal.

3 Dated: June 26, 2017

Respectfully submitted,

4 AMERIO LAW FIRM, P.C.

5 /s/ Jeffrey Fletterick

6 JEFFREY FLETTERICK
7 *Attorneys for Plaintiffs*
8 *Estate of Hugo Pinell, deceased, by and*
9 *through Allegra Casimir-Taylor, as*
successor in interest, and Allegra Casimir-
Taylor, individually

10 Dated: June 26, 2017

Respectfully submitted,

11 XAVIER BECERRA
12 Attorney General of California
13 MONICA N. ANDERSON
Supervising Deputy Attorney General

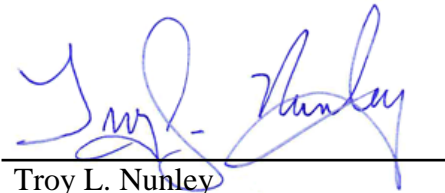
14 /s/ Joseph R. Wheeler

15 JOSEPH R. WHEELER
16 Deputy Attorney General
17 *Attorneys for Defendants Kernan, California*
Department of Corrections and
Rehabilitation and Rackley

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19 **ORDER**

20 **GOOD CAUSE APPEARING**, it is ordered that, pending the results of the DNA testing
21 as referenced in the stipulation above, the hearing on Defendants' motion to dismiss shall be
22 continued from July 13, 2017, to September 21, 2017, at 2:00 p.m. in Courtroom 2.

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24 Dated: June 27, 2017

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26 Troy L. Nunley
27 United States District Judge
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