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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**
CASIMIR-TAYLOR, Individually,
 16 Plaintiff,
 17
 18 **v.**
 19 **STATE OF CALIFORNIA, CALIFORNIA**
 20 **DEPARTMENT OF CORRECTIONS AND**
 21 **REHABILITATION, SCOTT KERNAN,**
 22 **RON RACKLEY, and DOES 1 through 100,**
inclusive,
 Defendants.

2:16-cv-02309 TLN DB
AMENDED STIPULATION
REGARDING DNA TESTING; ORDER
 Judge: The Honorable Troy L. Nunley
 Trial Date: Not Set
 Action Filed: September 23, 2016

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

24 1. The Parties have agreed to attempt to resolve the issue of whether Allegra Casimir-
 25 Taylor is, in fact, the daughter of Hugo Pinell, and has standing to maintain this action, by
 26 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 provide her DNA sample to a representative of a
4 laboratory selected by, and as directed by, the California Department of Justice Bureau of
5 Forensic Sciences.

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

10 5. If Allegra Casimir-Taylor's mother declines to provide a DNA sample, Allegra
11 Casimir-Taylor will provide the California Office of the Attorney General with current contact
12 information for her mother, so that a representative of the California Office of the Attorney
13 General may contact Allegra Casimir-Taylor's mother.

14 6. A representative of the California Office of the Attorney General reserves the right to
15 be present at the lab when both Allegra Casimir-Taylor and her mother provide their respective
16 DNA samples.

17 7. A DNA sample from Hugo Pinell will be obtained by the California Department of
18 Justice Bureau of Forensic Sciences.

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

21 9. If the results of the DNA testing are conclusive, the Parties agree to be bound by the
22 results. If DNA testing determines that Allegra Casimir-Taylor is the daughter of Hugo Pinell,
23 Defendants will drop their challenge to Allegra Casimir-Taylor's standing to sue. If DNA testing
24 determines that Allegra Casimir-Taylor is not the daughter of Hugo Pinell, Allegra Casimir-
25 Taylor will dismiss the action with prejudice.

26 10. In the event that the results of the DNA testing are inconclusive, Allegra Casimir-
27 Taylor's standing to sue will be determined by the Court, but no party is precluded from relying
28

1 on or otherwise using the results to support their respective positions regarding Allegra Casimir-
2 Taylor's standing to maintain this action.

3 11. If any party desires to file the results of the DNA testing with the Court, that party
4 will ensure that the results are filed under seal.

5 Dated: June 26, 2017

Respectfully submitted,

6 AMERIO LAW FIRM, P.C.

7 /s/ Jeffrey Fletterick

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9 JEFFREY FLETTERICK
10 *Attorneys for Plaintiffs*
11 *Estate of Hugo Pinell, deceased, by and*
12 *through Allegra Casimir-Taylor, as*
13 *successor in interest, and Allegra Casimir-*
14 *Taylor, individually*

13 Dated: June 26, 2017

Respectfully submitted,

14 XAVIER BECERRA
15 Attorney General of California
16 MONICA N. ANDERSON
17 Supervising Deputy Attorney General


18 /s/ Joseph R. Wheeler

19 JOSEPH R. WHEELER
20 Deputy Attorney General
21 *Attorneys for Defendants Kernan, California*
22 *Department of Corrections and*
23 *Rehabilitation and Rackley*

24 **ORDER**

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

28 Dated: June 30, 2017


Troy L. Nunley
United States District Judge