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Attorneys for Plaintiff/Counter-Defendant CITY OF LINCOLN

**UNITED STATES DISTRICT COURT
 EASTERN DISTRICT OF CALIFORNIA**

CITY OF LINCOLN,)	
)	Case No.: 2:18-CV-00087-KJM-AC
Plaintiff/Counter-Defendant)	
)	
v.)	JOINT STIPULATION AND [PROPOSED]
)	ORDER REGARDING REMOTE
COUNTY OF PLACER; and DOES 1 through)	DEPOSITION PROTOCOL
100, inclusive,)	
)	
Defendant/Counterclaimant.)	
)	
)	
)	

1 Plaintiff City of Lincoln and Defendant County of Placer (together, the “Parties”) jointly
2 stipulate and propose [and the Court adopts] the following protocol for conducting Federal Rules of
3 Civil Procedure Rule 30(b)(6) depositions via remote means in this action, in light of the COVID-19
4 pandemic:

- 5 1. The Parties agree that the Rule 30(b)(6) Depositions of each deponent shall be conducted
6 remotely using videoconference technology (“Remote Rule 30(b)(6) Deposition”).
- 7 2. The Parties agree to use Aptus Court Reporting or another vendor with the equivalent ability to
8 host remote videoconference depositions (“Vendor”) for court reporting, videoconference and
9 remote deposition services. The Parties agree that a Vendor’s employee may attend the remote
10 deposition to video record the deponent during the examination, but will not be physically
11 present with the deponent. The Vendor’s employee may also troubleshoot any technological
12 issues that may arise, and administer the virtual breakout rooms, if needed. Because the Parties
13 agree to remote depositions for their respective Rule 30(b)(6) depositions, the physical location
14 where the participants (i.e., counsel, deponents, or court reporter) of the deposition will access
15 the remote technology shall be determined by that individual participant.
- 16 3. The Parties agree that the Remote Rule 30(b)(6) Deposition may be used at a trial or hearing
17 pursuant to Fed. R. Civ. Proc. 32 meaning, the Parties agree that the testimony, including
18 transcripts, given during the Remote Rule 30(b)(6) Deposition may be used at a trial or hearing,
19 and in support of or in opposition to motions, to the same extent that an in-person deposition may
20 be used at trial or hearing and in support of or in opposition to motions. The Parties agree not to
21 object to the use of such transcripts and the admissibility of any testimony given during the
22 Remote Rule 30(b)(6) Deposition solely on the basis that the deposition was taken remotely. The
23 Parties reserve all other objections to the use of any deposition testimony at trial or hearings, and
24 in support of or in opposition to motions.
- 25 4. The court reporter shall record the Remote Rule 30(b)(6) Depositions by stenographic means
26 consistent with the requirements of Rule 30(b)(3), but given the COVID-19 pandemic, the court
27 reporter will not be physically present with the deponent. The court reporter’s transcript shall
28 constitute the official record.

- 1 5. The Parties agree that the court reporter is an “Officer” as defined by Federal Rules of Civil
2 Procedure Rule 28(a)(2) and shall be permitted to administer the oath to the deponent via the
3 videoconference. The Parties agree not to challenge the validity of any oath administered by the
4 court reporter, even if the court reporter is not a notary public in the state where the deponent
5 resides.
- 6 6. Counsel, the deponent, and the court reporter that are participating in the deposition examination
7 shall be visible and their statements audible to all other participants, and they should each strive
8 to ensure their environment is free from noise and distractions.
- 9 7. The Parties may utilize a “chat” feature on the videoconferencing platform to communicate with
10 the deponent or the court reporter only if directed to all counsel and the court reporter throughout
11 the deposition. Breakout room features may be enabled by the Vendor only for breaks and
12 recesses off the record.
- 13 8. Counsel may introduce exhibits electronically during the deposition, by using the screen-sharing
14 technology within the videoconferencing platform, including utilizing the “chat” feature, or by
15 sending the exhibit to the deponent and all individuals on the record via electronic mail or by
16 such other means as is agreed between the Parties.
- 17 9. The Party that noticed the deposition shall provide Vendor with a copy of this Stipulation and
18 [Proposed] Order at least twenty-four hours in advance of the deposition.

19
20 **SO STIPULATED.**

21 Dated: January 13, 2022

BROWN & WINTERS

23 By: /s/ Jeffrey T. Orrell

24 WILLIAM D. BROWN

25 JEFFREY T. ORRELL

JANET MENACHER

26 CHARLES D. GROSENICK

Attorneys for Plaintiff and Counter-Defendant

27 CITY OF LINCOLN

28 ///

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00049894.2

1 Dated: January 13, 2022

HARTMAN KING PC

2
3 By: /s/ Alanna Lungren (authorized signature on 1/13/22)

JENNIFER HARTMAN KING

4 ALANNA LUNGREN

5 J. R. PARKER

ANDREYA WOO NAZAL

6 Attorneys for Defendant and

7 Counter-Claimant COUNTY OF PLACER

8
9
10 **ORDER**

11
12 Pursuant to the above stipulation of the Parties:

13
14 **IT IS SO ORDERED.**

15
16 Dated: January 14, 2022


ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE