

1 **DEMAS LAW GROUP, P.C.**
 2 John N. Demas, Attorney at Law, SBN 161563
 3 Tim S. Spangler, Attorney at Law, SBN 168163
 4 701 Howe Avenue, Suite A-1
 5 Sacramento, CA 95825
 6 Tel: (916) 444-0100
 7 Fax: (916) 444-8250

8 Attorney for Plaintiff,
 9 JASON HARTMAN

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

12 JASON HARTMAN,

13 Plaintiff,

14 v.

15 UNITED STATES OF AMERICA;
 16 COUNTY OF BUTTE; and CLINT
 17 MOFFIT,

18 Defendants.

No. 2:20-cv-1492 KJM DB

**STIPULATION AND PROTECTIVE
 ORDER RE: SECOND DEPOSITIONS
 OF WITNESSES PREVIOUSLY
 DEPOSED**

19 IT IS HEREBY STIPULATED by and between the parties, *through their respective*
 20 *counsel of record:*

21 1. Defendant Clint Moffit was not a party to the case at the time that multiple
 22 depositions were taken in this matter. As a result, Defendant Moffit has the right to take
 23 the depositions of individuals who were deposed before he was a party to the case.

24 2. The parties seek to place reasonable limitations on the scope of these further
 25 depositions.

1 3. With respect to counsel for parties who previously had an opportunity to
2 question the deponent, the parties agree that counsel may not question the witness
3 regarding matters on which the deponent was previously questioned at his or her first
4 deposition, except for questions designed to reasonably follow up on, or clarify, testimony
5 on such matters elicited through questioning by counsel for Defendant Clint Moffit.
6 Counsel may question the witness regarding matters or events occurring after the date of
7 the first deposition. This stipulation is not intended to limit counsel defending the
8 deposition from making objections that he or she deems necessary and appropriate.

9 4. With respect to counsel for Clint Moffit, counsel will carefully review the
10 prior deposition testimony of all deponents who are to be re-deposed and use reasonable
11 efforts to avoid questioning the deponent regarding matters that were previously covered,
12 except for questions reasonably designed to follow up on, or clarify, matters on which the
13 deponent was previously questioned, or to direct the question more specifically toward the
14 interests of Mr. Moffit. Counsel may question the witness regarding matters or events
15 occurring after the date of the first deposition. This stipulation is not intended to limit
16 counsel defending the deposition from making objections that he or she deems necessary
17 and appropriate.

18 SO STIPULATED.

19
20 DATED: May 15, 2023

DEMAS LAW GROUP, P.C.

21
22 BY: /s/ Tim S. Spangler
23 Tim S. Spangler
24 Attorney for Plaintiff
25 JASON HARTMAN

26 ///

27 ///

28 ///

1 Date: May 18, 2023

PORTER | SCOTT
A PROFESSIONAL CORPORATION

2
3
4 BY: /s/ William E. Camy
William E. Camy
5 Matthew W. Gross
6 Attorneys for Defendant
COUNTY OF BUTTE
7

8
9 Date: May 15, 2023

UNITED STATES ATTORNEY

10
11 BY: /s/ Brendon L.S. Hansen
12 Rachel R. Davidson
13 Brendon L.S. Hansen
14 Attorneys for Defendant
UNITED STATES OF AMERICA
15

16 Date: May 15, 2023

HAWKINS PARNELL & YOUNG, LLP

17
18
19 BY: /s/ Jennifer J. Capabianco
20 Jennifer J. Capabianco
21 Attorneys for Defendant
UNITED STATES OF AMERICA

22 Date: May 15, 2023

KOELLER NEBEKER CARLSON HALUCK
23 LLP

24
25 BY: /s/ Kimberly J. Black
26 Kimberly J. Black
27 Attorneys for Defendant
CLINT MOFFITT
28

ORDER

Having reviewed the above stipulation, and good cause appearing, it is hereby ordered as follows:

1. As to counsel for all parties other than Clint Moffit: Counsel may not question the witness regarding matters on which the deponent was previously questioned at his or her first deposition, except for questions designed to reasonably follow up on, or clarify, testimony on such matters elicited through questioning by counsel for Defendant Clint Moffit.

2. As to counsel for Clint Moffitt: Counsel will carefully review the prior deposition testimony of all deponents who are to be re-deposed and use reasonable efforts to avoid questioning the deponent regarding matters that were previously covered, except for questions reasonably designed to follow up on, or clarify, matters on which the deponent was previously questioned, or to direct the question more specifically toward the interests of Mr. Moffit.

3. All Counsel may question the witness regarding matters or events occurring after the date of the first deposition.

4. Counsel defending the deposition is not limited in making objections that he or she deems necessary and appropriate.

IT IS SO ORDERED.

DATED: May 18 2023

/s/ DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE