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5 IN THE UNITED STATES DISTRICT COURT  
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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9 DELPHINE ALLEN, et al.,  
10 Plaintiffs,  
11 v.  
12 CITY OF OAKLAND, et al.,  
13 Defendants.  
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MASTER CASE FILE  
NO. C00-4599 TEH

ORDER RE: OCTOBER 19, 2012  
STIPULATION BETWEEN  
PLAINTIFFS AND INTERVENOR  
OAKLAND POLICE OFFICERS'  
ASSOCIATION

15 The Court is in receipt of the stipulation and proposed order filed by Plaintiffs and  
16 Intervenor Oakland Police Officers' Association ("OPOA") on October 19, 2012. Plaintiffs  
17 and the OPOA have reached an agreement concerning certain aspects of the remedy that  
18 Plaintiffs intend to seek in their receivership motion, as well as the OPOA's intended  
19 withdrawal of its motion for further intervention. They do not need the Court's approval to  
20 enter into this agreement, and the Court therefore finds it unnecessary to sign the proposed  
21 order accompanying their stipulation.

22 However, Plaintiffs and the OPOA may not limit by agreement the scope of any  
23 receivership the Court might impose. The Court must make that determination after carefully  
24 examining all relevant factors. To assist with that determination, the Court is considering  
25 appointing an expert witness under Federal Rule of Evidence 706. If the Court opts to pursue  
26 such an appointment, it will allow the parties an opportunity to show cause as to why an  
27 expert should not be appointed. *See* Fed. R. Evid. 706(a). The Court may also appoint  
28 counsel to represent the expert. *See, e.g., Oracle America, Inc. v. Google Inc.*, Case No.

1 C10-3561 WHA, Order Appointing Rule 706 Expert and Counsel (Docket No. 374)  
2 (N.D. Cal. Aug. 30, 2011).

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4 **IT IS SO ORDERED.**

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6 Dated: 10/22/12

  
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THELTON E. HENDERSON, JUDGE  
UNITED STATES DISTRICT COURT

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