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 11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA

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 15 ABHINAV BHATNAGAR,
 Plaintiff
 16
 17 v.
 18 JASON INGRASSIA, COUNTY OF
 CONTRA COSTA, and CITY OF SAN
 19 RAMON,
 Defendants.
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Case No. CV07-02669 CRB
 STIPULATION AND ~~PROPOSED~~ ORDER
 RE: PLAINTIFF'S BLOOD ALCOHOL
 CONTENT AT 2:30 A.M. ON MAY 20,
 2006: TESTIMONY OF PHLEBOTOMIST
 JONATHAN YOUNG AND FORENSIC
 TOXICOLOGIST STEPHANIE WILLIAMS

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 22 All parties, by and through their respective counsel, hereby stipulate that if
 23 Phlebotomist Jonathan Young were called to testify as a witness in the matter he would
 24 competently testify under oath to the following facts on the basis of his personal knowledge:
 25 (1) On May 20, 2006, Phlebotomist Jonathan Young was dispatched to the San Ramon
 26 Police Department to perform a blood draw on a subject arrested by Defendant Ingrassia.

1 (2) On May 20, 2006, at approximately 2:30 a.m., Plaintiff Abhinav Bhatnagar
2 provided a blood sample at the San Ramon Police Department to Phlebotomist Jonathan
3 Young.

4 (3) The blood draw was done according to accepted protocols.

5 (4) Plaintiff Bhatnagar's blood was drawn into two vacuum sealed gray top vials and
6 placed in a tamper-proof envelope and sealed. Further, all parties, by and through their
7 respective counsel, hereby stipulate that if Forensic Toxicologist Stephanie Williams were
8 called to testify as a witness in the matter she would competently testify under oath to the
9 following facts:

10 (1) On May 31, 2006, Stephanie Williams, a licensed forensic toxicologist employed
11 by the Contra Costa County Sheriff's Office Crime Lab scientifically tested Plaintiff's blood
12 sample using the closed head gas chromatography method.

13 (2) Ms. Williams tested Plaintiff's blood in the regular course of her duties and the
14 equipment used to test Plaintiff's blood sample was in proper working order at time she tested
15 Plaintiff's blood sample. At the time that Ms. Williams received the blood evidence envelope
16 containing Mr. Bhatnagar's blood, there was no evidence of tampering.

17 (3) Ms. Williams tested Plaintiff's blood from one of the two vacuum sealed gray top
18 vials that were delivered to the Contra Costa County Sheriff's Office Crime Lab by the San
19 Ramon Police Department on May 24, 2006.

20 (4) Both gray top vials containing Plaintiff's blood were sealed at the time of receipt by
21 Ms. Williams for testing.

22 (5) Ms. Williams unsealed one of the sealed gray top vials to conduct the necessary
23 testing of Plaintiff's blood sample.

24 (6) The testing of Plaintiff's blood sample indicated that Plaintiff's blood alcohol
25 content at 2:30 a.m. on May 20, 2006 was 0.09% when reported to 2 digits, as required by
26 Title 17.

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3 (7) Attached as Exhibit ____ is a copy of the Report of Laboratory Examination
4 recording the test results of Plaintiff's blood sample pursuant to Title 17 of the California Code
5 of Regulations.

6 IT IS SO STIPULATED:

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JUSTICE FIRST, LLP

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10 Date: November 25, 2008

_____/s/ Jenny Huang
JENNY C. HUANG
Attorneys for Plaintiff
ABHINAV BHATNAGAR

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13 Date: November 25, 2008

_____/s/ Jivaka Candappa
JIVAKA CANDAPPA
Attorneys for Plaintiff
ABHINAV BHATNAGAR

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16 Date: November 25, 2008

McNAMARA DODGE, et al.

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By: _____/s/ James Fitzgerald
JAMES FITZGERALD III
Attorneys for Defendant
JASON INGRASSIA

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21 Date: November 25, 2008

SILVANO B. MARCHESI
COUNTY COUNSEL

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By: _____/s/ Janet Holmes
JANET HOLMES
Deputy County Counsel
Attorneys for Defendants
COUNTY OF CONTRA COSTA
and CITY OF SAN RAMON

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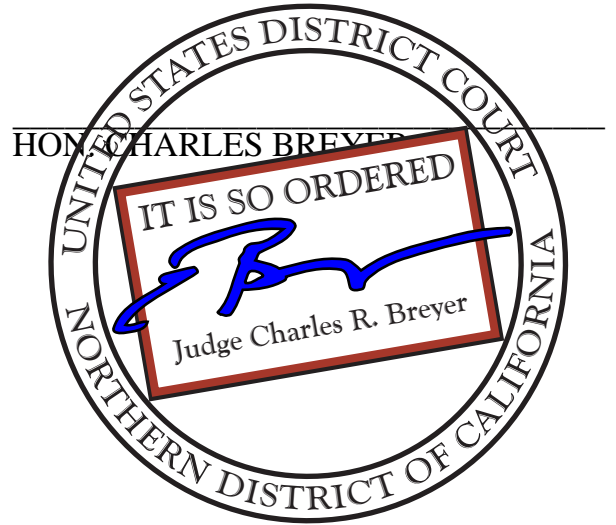
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27 PURSUANT TO STIPULATION IT IS SO ORDERED.

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1 Date: December 01, 2008

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