

1 JIVIKA CANDAPPA (SBN225919)
 Law office of Jivaka Candappa
 2 46 Shattuck Square, Suite 15
 Berkeley, California 94704
 3 Telephone: (510) 981-1808
 Facsimile: (510) 981-1817

4 Attorney for Plaintiff KEVIN WALKER
 5

6 MICHAEL S. LAWSON (SBN 048172)
 City Attorney
 7 RANDOLPH S. HOM (SBN 152833)
 Assistant City Attorney
 8 CITY OF HAYWARD
 777 B Street
 9 Hayward, California 94541
 Telephone: (510) 583-4450
 10 Facsimile: (510) 583-3660

JAMES G. MURRAY (SBN 120049)
 Prindle, Decker, and Amaro, LLP
 310 Golden Shore, Fourth Floor
 P.O. Box 22711
 Long Beach, California 90801-5511
 Telephone: (562) 436-3946
 Facsimile: (562) 495-0564

11 Attorneys for Defendants CITY OF
 HAYWARD, ART THOMS, SCOTT
 12 LUNGER, AND ZACHARY HOYER

Attorneys for Defendants AMERICAN
 DISCOUNT SECURITY AND DAUD
 WARDAK

13
 14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA

16 Case No. C 07 06205 (TEH)

17 KEVIN WALKER, Plaintiff,
 18 v.
 19 CITY OF HAYWARD, et al., Defendants.

STIPULATION RE: PLAINTIFF'S
 DEPOSITION OF HAYWARD POLICE
 DEPARTMENT'S PERSON MOST
 KNOWLEDGEABLE, RECORDS
 RETENTION SCHEDULE AS TO USE OF
 FORCE REPORTS [F
 20 RCP 30(b)(6)] AND PROPOSED
 ORDER

21
 22 Plaintiff Kevin Walker, and Defendants City of Hayward ("City"), Officer Art Thoms,
 23 Officer Scott Lunger, Officer Zachary Hoyer, American Discount Security ("ADS"), and Daud
 24 Wardak through their respective attorneys of record, stipulate to the following order:

25 1. Pursuant to Federal Rules of Civil Procedure 30(b)(6), Plaintiff issued a Notice of
 26 Deposition to the Hayward Police Department ("HPD") to depose the person most knowledgeable
 27 ("PMK") regarding HPD's Records Retention Schedule as to Use of Force Reports, with a
 28 deposition date of October 28, 2009.

1 2. On October 23, 2009, HPD produced Marva Hickman, its Records Manager and
2 Custodian of Records for a deposition.

3 3. However, Ms. Hickman did not have personal knowledge of the practices of the
4 HPD Office of Ethical Standards relating to the retention of such Use of Force reports.

5 4. Due to calendar conflicts, the parties hereby stipulate that Plaintiff may take the
6 deposition of the HPD PMK regarding its Records Retention Schedule as to Use of Force
7 Reports, at a date and time mutually convenient to the parties, and the PMK, on or before the
8 close of expert discovery in the within action.

9 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

10
11
12 DATED: November 10, 2009 /s/ _____
13 Jivaka Candappa
14 Attorneys for Plaintiff Kevin Walker

15 DATED: November 10, 2009 /s/ _____
16 Randolph S. Hom
17 Attorneys for Defendants City of Hayward,
18 Art Thoms, Scott Lunger, and Zachary Hoyer

19 DATED: November 10, 2009 /s/ _____
20 James Murray
21 Attorney for Defendants American Discount
22 Security and Daud Wardak

23 PURSUANT TO STIPULATION, IT IS SO ORDERED.

24 DATED: November 17, 2009

25 The Honorable Thelton
26 United States District Court
27 Edward M. Chen, U.S. District Judge
28

