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10 TRANSCOR AMERICA, LLC

11 **UNITED STATES DISTRICT COURT**  
12 **NORTHERN DISTRICT OF CALIFORNIA**

13 KEVIN M. SCHILLING, JOHN PINEDO,  
14 WILLIAM TELLEZ, on behalf of himself  
15 and all those similarly situated,

16 Plaintiffs,

17 v.

18 TRANSCOR AMERICA, LLC, SGT.  
19 JOHN SMITH, OFFICER BLANDEN, and  
20 DOES 1 through 100,

21 Defendants.

Case No. 3:08-cv-00941 SI

**JOINT STIPULATION TO DEPOSE  
INCARCERATED PLAINTIFF, WILLIAM  
TELLEZ**

**(Expedited Consideration Requested)**

22 Defendant TransCor America, LLC and Plaintiffs Kevin M. Schilling, John Pinedo, and  
23 William Tellez, through counsel and pursuant to FED.R.CIV. P. 30(a)(2)(B) and CIVIL L.R. 7-12  
24 hereby jointly stipulate to permit Defendants to depose inmate Plaintiff William Tellez.

25 Federal Rule of Civil Procedure 30(a)(2)(B) requires leave of Court to depose a person  
26 confined in prison. Defendants wish to depose Plaintiff William Tellez who is currently in  
27 custody of the Bureau of Prisons regarding his claims of unconstitutional and negligent conduct  
28 by Defendants while we was transported by Defendants, as well as his ability to serve as a class  
representative.

Inmate William Tellez is currently incarcerated at the United States Penitentiary Florence  
ADMAX\*\* located in Florence, Colorado. The parties would like to take Inmate Tellez'

1 deposition on August 6, 2009. The facility has communicated to counsel that they require a copy  
2 of a Court Order authorizing the deposition in order to proceed with scheduling. A Notice of  
3 Deposition will be promptly filed once that date is confirmed by the facility.

4 Additionally, to ensure that the deposition may proceed as scheduled and they have had an  
5 adequate opportunity to communicate with their client, Plaintiffs request that the Court order that  
6 Plaintiff’s counsel be permitted to meet with their client, William Tellez, for 1-2 hours  
7 immediately prior to the deposition. Defendants consent to this request.

8 Because the parties stipulate to the taking of this videotape deposition on August 6, 2009,  
9 they request expedited consideration so that Inmate Tellez’ deposition may be scheduled. A  
10 proposed Order accompanies this Stipulation.

11 DATED this 8<sup>th</sup> day of July, 2009

12 LAW OFFICE OF KAREN L. SNELL

JONES, SKELTON & HOCHULI, P.L.C.

13  
14 By: /s/ Karen L. Snell  
*(Telephonic Approval to Sign)*  
15 Karen L. Snell

By: /s/ Daniel P. Struck  
16 Daniel P. Struck (pro hac vice)  
17 Rachel Love (pro hac vice)

18 CASPER, MEADOWS, SCHWARTZ & COOK, P.C.  
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Nicholas C. Miller  
Matthew E. Fletcher

24 Attorneys for Plaintiffs, KEVIN M.  
25 SCHILLING, JOHN PINEDO and WILLIAM  
26 TELLEZ

Attorneys for Defendant TRANSCOR  
27 AMERICA, LLC

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**PROOF OF SERVICE**

I am a resident of the State of Arizona, over the age of eighteen years, and not a party to the within action. My business address is Jones, Skelton & Hochuli, P.L.C., 2901 North Central Avenue, Suite 800, Phoenix, Arizona 85012. On July 8, 2009, I served the within document(s):

**JOINT STIPULATION TO DEPOSE  
INCARCERATED PLAINTIFF, WILLIAM TELLEZ**

- BY FAX:** by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.
- BY PERSONAL DELIVERY:** by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.
- BY MAIL:** by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States Mail at Phoenix, Arizona addressed as set forth below.
- BY OVERNIGHT MAIL:** by causing document(s) to be picked up by an overnight delivery service company for delivery to the addressee(s) on the next business day.
- BY ELECTRONIC SUBMISSION:** per Court Order, submitted electronically by Verilaw to be posted to the website and notice given to all parties that the document(s) has been served.

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

KEVIN M. SCHILLING, JOHN PINEDO,  
WILLIAM TELLEZ, on behalf of himself  
and all those similarly situated,

Plaintiffs,

v.

TRANSCOR AMERICA, LLC, SGT.  
JOHN SMITH, OFFICER BLANDEN, and  
DOES 1 through 100,

Defendants.

Case No. 3:08-cv-00941 SI

**ORDER TO DEPOSE INCARCERATED  
PLAINTIFF, WILLIAM TELLEZ**

Upon consideration of the Joint Stipulation to Depose Incarcerated Plaintiff William Tellez, and finding good cause therefor, it is by the Court hereby:

**ORDERED** that the Motion is granted; and it is

**FURTHER ORDERED** that the Parties may take the videotaped deposition of inmate William Tellez at the U.S. Penitentiary Florence ADMAX\*\* in Florence, Colorado; and it is

**FURTHER ORDERED** that Counsel for Plaintiffs may visit with Plaintiff for 1-2 hours prior to his deposition.

**SO ORDERED.**

Dated: \_\_\_\_\_



\_\_\_\_\_  
JUDGE SUSAN ILLSTON  
United States District Judge

copies to all parties via CM/ECF.