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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
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11 GARY ARDEN,

12 Plaintiff,

13 vs.

14 FRANK KASTELL,

15 Defendant.

Case No. 3:10-cv-00436 NC

ORDER ON PRETRIAL STIPULATIONS

TRIAL DATE: OCTOBER 14, 2014

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17 1. Pursuant to the stipulations set forth in the Joint Pretrial Conference Statement (Document
18 108, the "JPCS"), the Court adopts the following as an Order of the Court.

19 2. The following facts are stipulated:

- 20 a. Arden was an employee of Smarte Carte on February 2nd and 3rd, 2009.
- 21 b. Both the February 2nd and 3rd surveillance videos (the "Videos") are authentic.
- 22 c. The Videos were recorded on February 2nd and 3rd, 2009 by San Francisco International
23 Airport or the San Francisco Police Department ("SFPD"), but not the San Mateo County Sheriff's
24 Office.
- 25 d. Kastell wrote a police report, Exhibit 1 ("Kastell's Report").
- 26 e. Kastell's Report was an investigative report prepared by a peace officer for his
27 employer, the San Mateo County Sheriff's Office.
- 28 f. Kastell's Report was sent to the San Mateo County District Attorney.

1 3. Counsel for the parties having additionally agreed to the following procedural stipulations,
2 either in the JPCS, or in open court at the Pretrial Conference held October 1, 2014, the following matters
3 are stipulated:

4 a. Court records, including the docket, motions, orders and hearing transcripts from the
5 San Mateo County Superior Court produced by plaintiff in this litigation are deemed authenticated;

6 b. All documents that were made exhibits to any depositions taken in the action are
7 deemed authenticated;

8 c. Experts for both parties shall testify only regarding those opinions expressed in their
9 reports and/or their depositions;

10 d. The jury shall be charged on punitive damages only after a finding of liability; and

11 e. Frank Kastell shall submit to the Court *in camera* documents sufficient to establish his
12 net worth following a finding by the jury, sufficient to proceed with a second phase of trial on the issue
13 of punitive damages.

14 f. The parties shall coordinate subpoena service to avoid duplication and agree not to
15 dismiss any witness subpoenaed until the opposing side has concluded examination of the witness.

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17 Dated: October 2, 2014


Nathanael M. Cousins
United States Magistrate Judge