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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DARRELL HUNTER,
Plaintiff,

v.

CITY AND COUNTY OF SAN
FRANCISCO, et al.,
Defendants.

Case No. 11-4911 JSC

**ORDER REGARDING PLAINTIFF'S
VIDEO WITNESSES**

United States District Court
Northern District of California

Now pending before the Court is Plaintiff's Offer of Proof regarding the proposed testimony of Kevin Lyons and Eric Younger. (Dkt. No. 183.) The Court has considered Plaintiff's submission and concluded that oral argument is not necessary, *see* Civil L.R. 7-1. The Court hereby rules as follows:

Plaintiff has failed to establish that Eric Younger has any relevant or probative testimony. With respect to Kevin Lyons, his testimony is permissible for the limited purpose of establishing that if one had viewed the monitor in the control room during the relevant time period he or she would have seen the smudge; however, this testimony is only admissible if Plaintiff first lays a foundation establishing that Defendants were in the control room and viewed the monitor during the relevant time period.

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IT IS SO ORDERED.

Dated: August 2, 2013

JACQUELINE SCOTT CORLEY
UNITED STATES MAGISTRATE JUDGE