

1 JOSEPH P. RUSSONIELLO (CSBN 443320  
 United States Attorney  
 2 JOANN M. SWANSON (CSBN 88143)  
 Chief, Civil Division  
 3 MELISSA K. BROWN (SBN 203307)  
 Assistant United States Attorney  
 4 450 Golden Gate Avenue, Box 36055  
 San Francisco, California 94102-3495  
 5 Telephone: (415) 436-6962  
 Facsimile: (415) 436-6748  
 6 E-mail: melissa.k.brown@usdoj.gov

7 Attorneys for Federal Defendants

8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA  
 10 OAKLAND DIVISION

12	CAROLYN V. FOWLER,	)	No. C 06-04716 SBA
		)	
13	Plaintiff,	)	<b>STIPULATION AND ORDER FOR</b>
		)	<b>ADMISSION OF TRIAL TESTIMONY</b>
14	v.	)	<b>OF MARY YOUNG</b>
		)	
15	JOHN POTTER, Postmaster General for	)	Pretrial Conference Date: October 7, 2008
	United States Postal Service,	)	Time: 1:00 p.m.
16		)	Ctrm: 3, 3 <sup>rd</sup> Floor
	Defendant.	)	
17		)	Trial Date: October 15, 2008
		)	Time: 8:30 a.m.
18		)	Ctrm: 3, 3 <sup>rd</sup> Floor

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 20 WHEREAS, the trial deposition of Mary W. Young took place on July 15, 2008, in Los  
 21 Angeles California, during which defendant conducted the direct and redirect of Mary Young,  
 22 and plaintiff conducted the cross examination of Mary Young;

23 WHEREAS, such deposition was transcribed by a certified court reporter and video taped by  
 24 a certified videographer;

25 WHEREAS, by and through their counsel, the parties plaintiff Carolyn Fowler and defendant  
 26 John Potter, Postmaster General for United States Postal Service, agreed during the status  
 27 conference held on July 30, 2008 before this Court that Mary Young was unavailable in  
 28 accordance with the Federal Rules of Evidence and the Federal Rules of Civil Procedure and that

STIPULATION AND [PROPOSED] ORDER FOR ADMISSION OF TRIAL TESTIMONY OF MARY YOUNG  
 No. C 06-04716 SBA

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the parties could submit portions of Mary Young's testimony at trial;

WHEREAS, pursuant to the parties' agreement on July 30, 2008, the Defendant hereby agrees to withdraw its Motion to Take Trial Deposition of Unavailable Witness Due to Medical Restriction or In Alternative To Allow Testimony via Video Conference;

WHEREAS, both parties have designated portions of the deposition transcript in accordance with this Court's Order for Pretrial Preparation dated August 5, 2008;

ACCORDINGLY, the parties by and through their undersigned counsel hereby stipulate that the deponent Mary Young is unavailable for trial within the meaning of rule 804(a) of the Federal Rules of Evidence, and that the parties may submit excerpts of the testimony given at her deposition on July 15, 2008 in accordance with the Federal Rules of Civil Procedure and the Federal Rules of Evidence.

So Stipulated

DATED: October 6, 2008

Respectfully submitted,

JOSEPH P. RUSSONIELLO  
United States Attorney  
/s

\_\_\_\_\_  
MELISSA K. BROWN  
Assistant United States Attorney

/s

Dated: October 6, 2008

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TANYA MEYERS  
Attorney for Plaintiff

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**ORDER**

Pursuant to the stipulation of the parties, the deponent Mary Young is unavailable for trial and that the parties may submit excerpts of the testimony given at her deposition on July 15, 2008 in accordance with the Federal Rules of Civil Procedure, 43(a) and 45 (c)(3)(C) and the Federal Rules of Evidence 804 (a)(4) and other applicable Federal Rules of Evidence.

**IT IS SO ORDERED.**

Dated: 10/7/08

  
SAUNDRA BROWN ARMSTRONG  
United States District Court Judge