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UNITED STATES DISTRICT COURT
For the Northern District of California

UNITED STATES DISTRICT COURT

Northern District of California

San Francisco

ANNETTE SHARLENE ELDER-EVINS,

No. C 09-05775 SBA (LB)

Plaintiff,

**ORDER REGARDING JUNE 21, 2012
HEARING**

v.

MICHAEL J. CASEY, *et al.*,

Defendants.

_____ /
The district court referred Defendant Officer Daniel Shacklett's motion for a determination of Plaintiff Annette Sharlene Elder-Evins's competence to this court for a report and recommendation. The parties subsequently filed additional motions regarding the evidence to be introduced during the hearing. The court set a hearing on the motions for June 21, 2012.

Upon review of the papers submitted, the court instructs as follows:

1. The June 21, 2012 hearing will address only Plaintiff's motion to exclude (ECF No. 200) and to quash (ECF No. 214) and Defendant's request to present oral testimony (ECF No. 207). The court will not receive evidence at this time regarding Defendant's motion for a competency determination (ECF No. 115). In addition to the legal standards raised in their briefs, the parties and their counsel should be prepared to discuss the appointment of a expert for the purpose of a

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new competency examination of Plaintiff (and who should pay for it), as well as the scheduling of a formal evidentiary hearing to take place thereafter.

2. Because the June 21, 2012 will not be a formal evidentiary hearing, Dr. Apostle need not appear at it. However, Plaintiff and her counsel, as well as Defendants' counsel, shall appear in person.

IT IS SO ORDERED.

Dated: June 19, 2012



LAUREL BEELER
United States Magistrate Judge