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11 Attorneys for Defendant

12  
 13 IN THE UNITED STATES DISTRICT COURT  
 14 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 15 OAKLAND DIVISION

16  
 17 CUSTOM SENSORS & TECHNOLOGIES,  
 INC.,

18 Plaintiff,

19 vs.

20 GREAT AMERICAN INSURANCE  
 21 COMPANY,

22 Defendant.

Case No. 09-CV-05819 SBA

**STIPULATION AND [PROPOSED]  
 ORDER PERMITTING DEPOSITION OF  
 PRISONER LUIS TOBAR-MARQUEZ**

1 Counsel for both parties desire to depose Luis Tobar-Marquez regarding thefts that are the  
2 subject of this litigation. A copy of Mr. Tobar-Marquez's plea agreement in connection with Case  
3 No. CR 08-00876 (N.D. Cal.-Oakland Division) is attached hereto as Exhibit A. The United States  
4 Federal Bureau of Prisons website indicates that Mr. Tobar-Marquez is currently incarcerated in the  
5 Los Angeles Metropolitan Detention Center, with a scheduled date for release of October 21, 2010.  
6 Because it may be difficult to locate Mr. Tobar-Marquez and effect service of a subpoena following  
7 his release, the parties stipulate to entry of an order granting leave to take the deposition of Mr.  
8 Tobar-Marquez while he is confined in prison pursuant to Federal Rules of Civil Procedure, Rule  
9 30(a)(2)(B).

10 SO STIPULATED.

11  
12 **K&L GATES LLP**

13 Dated: September 14, 2010

By: /s/ Edward P. Sangster

Edward P. Sangster  
[ed.sangster@klgates.com](mailto:ed.sangster@klgates.com)

15 Attorney for Plaintiff

17 **ANDERSON, MCPHARLIN & CONNERS LLP**

19 Dated: September 14, 2010

By: /s/ Gary J. Valeriano

Gary J. Valeriano  
[gjv@amclaw.com](mailto:gjv@amclaw.com)

21 Attorney for Defendant

1           **PURSUANT TO STIPULATION AND FEDERAL RULES OF CIVIL PROCEDURE,**  
2 **RULE 26(a)(2)(B), IT IS ORDERED** that the deposition of Luis Tobar-Marquez may be taken  
3 while he is confined in prison.

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5 Dated: September 16, 2010

6 By:  LARSON  
7 Hon. Magistrate Judge Edward Chen  
8 United States District Judge

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ATTESTATION CLAUSE

I, Edward P. Sangster, hereby attest, pursuant to N.D. Cal. General Order No. 45, that the concurrence to the filing of this document has been obtained from each signatory hereto.

Dated: September 14, 2010

By: /s/ Edward P. Sangster  
Edward P. Sangster  
ed.sangster@klgates.com