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 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE

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 14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA
 16 SAN JOSE DIVISION

17 JOSEPHINE SMITH, an individual, et al.,
 18 Plaintiffs,
 19 vs.
 20 CITY OF SANTA CLARA, a public entity,
 21 et al.,
 22 Defendants.

Case No. CV 11-03999 LHK

STIPULATION AND [PROPOSED]
ORDER FOR LEAVE TO DEPOSE
PRISONER

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1 **STIPULATION**

2 The parties stipulate as follows:

3 1. Clay Rojas ("Mr. Rojas") is a former officer of the Santa Clara Police Department
4 ("SCPD"). The parties believe that Mr. Rojas, while still a SCPD Officer, was the officer who
5 initially spoke with plaintiff, Josephine Smith, and ultimately handcuffed her during the October
6 7, 2010, incident which is the subject of the instant civil action.

7 2. Mr. Rojas was recently sentenced to a 36-month term in federal prison. He went
8 into federal custody on or about March 30, 2012. He was originally held in a facility in Dublin,
9 California. However, the parties believe he is currently in a facility in Texas, albeit possibly
10 temporarily. It is unknown where he will be housed for the duration of his prison term. His
11 expected release date is October 31, 2014.

12 3. Leave of court is necessary to take the deposition because the deponent is
13 confined in prison. Federal Rule of Civil Procedure 30.

14 4. Good cause exists for taking the deposition of Mr. Rojas.

15 5. The parties agree that the deposition of the prisoner shall be coordinated,
16 scheduled, and managed by the Federal Bureau of Prisons.

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19 DATED: April 4, 2012

McMANIS FAULKNER

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21 /s/ Brandon Rose, Esq.

JAMES McMANIS
BRANDON ROSE

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23 Attorneys for Plaintiffs

24 DATED: April 4, 2012

RANKIN, LANDSNESS, LAHDE,
SERVERIAN & STOCK

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26
27 /s/Michael C. Serverian

MICHAEL C. SERVERIAN

28 Attorneys for Defendants

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3 **[PROPOSED] ORDER**

4 After reviewing the stipulation of the parties, the Court approves the Stipulation and
5 orders as follows:

6 IT IS SO ORDERED:

7 1. The parties may take the deposition testimony of inmate Mr. Rojas pursuant to
8 Rule 30 of the Federal Rules of Civil Procedures.

9 2. The parties may take Mr. Rojas's deposition in person.

10 3. The parties shall give notice of this Order to the Federal Bureau of Prisons so that
11 the taking of the deposition testimony of Mr. Rojas may be set and noticed for a time and place
12 that will minimize any disruption to the orderly operation of the federal prison where he is
13 housed.

14 4. The deposition will be recorded by stenographic means and may also be recorded
15 by sound and/or sound-and-visual means and may also simultaneously be transcribed using
16 LiveNote.

17 5. The deposition may be videotaped by a certified videographer.

18 6. The deposition shall take no more than six (6) hours.

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20 DATED: 4/4/12

21 Lucy H. Koh
22 UNITED STATES DISTRICT JUDGE
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