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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ERNEST FLAGG, as Next Friend of  
JONATHAN BOND, a Minor,

Plaintiffs,

v.

CITY OF DETROIT, a municipal corporation;  
DETROIT POLICE CHIEF ELLA BULLY-  
CUMMINGS; DEPUTY DETROIT POLICE  
CHIEF CARA BEST; JOHN DOE POLICE  
OFFICERS 1-20; ASST. DEPUTY POLICE  
CHIEF HAROLD CURETON; COMMANDER  
CRAIG SCHWARTZ; POLICE LT. BILLY  
JACKSON; MAYOR KWAME M. KILPATRICK,  
CHRISTINE BEATTY, Jointly and Severally,

Defendants.

Case No. 05-CV-74253

District Judge Gerald E. Rosen

Magistrate Judge R. Steven Whalen

**STIPULATION**

The parties, through their respective counsel, stipulate to entry of the attached Order.

\_\_\_\_\_  
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CHRISTINE BEATTY, Jointly and Severally,

Defendants.

Case No. 05-CV-74253

District Judge Gerald E. Rosen

Magistrate Judge R. Steven Whalen

**ORDER**

The parties having stipulated and the Court being otherwise fully advised in the premises,  
it is hereby

ORDERED that the September 5, 2008 Order [Docket #141] by Magistrate Whalen  
regarding the procedure for production of text messages by Non-Party Velocita Wireless, LLC  
f/k/a Bell Industries, Inc. d/b/a SkyTel (“SkyTel”) is hereby amended; and it is further

ORDERED that section A of the September 5 Order [Docket #141] shall be replaced by  
the following:

“On or before **September 12, 2008**, Plaintiff shall serve a Rule 34 Document Request on  
Defendant City of Detroit as to incoming or outgoing text messages or other communications,

maintained by SkyTel on behalf of the City of Detroit, that originated from or were received by *any* City of Detroit official or employee on April 30, 2003.

On or before **September 15, 2008**, Defendant City of Detroit shall forward the request to SkyTel, along with its written authorization to release said communications to the Court for *in camera* review.

On or before **September 20, 2008**, SkyTel shall forward three copies of said communications, in CD form, to the chambers of the Honorable Gerald E. Rosen, United States District Judge, Eastern District of Michigan, in a sealed envelope, for distribution to United States Magistrate Judge R. Steven Whalen and United States Magistrate Judge Michael J. Hluchaniuk, who will conduct an *in camera* review.”

s/R. Steven Whalen  
R. STEVEN WHALEN  
UNITED STATES MAGISTRATE JUDGE

Dated: September 18, 2008September 18, 2008

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served on the attorneys and/or parties of record by electronic means or U.S. Mail on September 18, 2008.

s/Gina Wilson  
Judicial Assistant