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 9 Attorney for Defendant Ofc. Tompkins

6 **UNITED STATES DISTRICT COURT**
 7 **DISTRICT OF NEVADA**

8 JUAN SOLIS-DIAZ, individually,
 9 Plaintiff,

Case Number:
 2:12-cv-619-JAD-GWF

10 vs.

STIPULATION AND ORDER
REGARDING EVIDENTIARY ISSUES

11 OFFICER S. TOMPKINS, employee of the
 12 Las Vegas Metropolitan Police Department in
 13 his official capacity and in his individual
 14 capacity; and DOES 1-10 inclusive,
 15 Defendants

MARQUIS AURBACH COFFING
 10001 Park Run Drive
 Las Vegas, Nevada, 89145
 (702) 382-0711 FAX: (702) 382-5816

15 Defendant Officer Scott Tompkins, by and through his attorney of record, Craig R.
 16 Anderson, Esq. of Marquis Aurbach Coffing, and Plaintiff Juan Solis-Diaz, by and through
 17 his attorney of record, Kirk T. Kennedy, Esq., hereby stipulate as to the following
 18 evidentiary issue:

- 19 1. In June 2011, plaintiff was acquitted of all criminal charges related to the
 20 incident giving rise to this 42 U.S.C. §1983 litigation.
- 21 2. At the criminal trial, percipient witnesses Latoya Toalepai and Phillip
 22 Redmond testified as eye witnesses to the event.
- 23 3. At the criminal trial, Kirk Kennedy, Esq., plaintiff's civil counsel, personally
 24 cross-examined both witnesses.

1 4. The parties agree that both witnesses are unavailable to testify at trial.
2 Defendant has unsuccessfully attempted to serve both witnesses and obtain their current
3 addresses.

4 5. The parties stipulate and agree that pursuant to Rule 804(b)(1) of the Federal
5 Rules of Evidence, the criminal trial testimony of both witnesses is admissible and can be
6 read/used at the civil trial.

7 6. The parties agree that both Toalepai's and Redmond's criminal trial
8 testimony will be read in its entirety to the jury.
9

10 IT IS SO STIPULATED this 21st day of December, 2016.

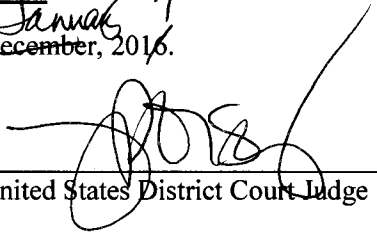
11 MARQUIS AURBACH COFFING

KIRK T. KENNEDY

12 By: s/Craig R. Anderson
13 Craig R. Anderson, Esq.
14 Nevada Bar No. 6882
15 10001 Park Run Drive
16 Las Vegas, Nevada 89145
17 Attorney for Defendant Ofc. Tompkins

By: s/Kirk T. Kennedy
Kirk T. Kennedy, Esq.
Nevada Bar No. 5032
815 South Casino Center Blvd.
Las Vegas, Nevada 89101
Attorney for Plaintiff

18 **ORDER**
19 IT IS SO ORDERED this 10th day of January, 2016.

20 
21 United States District Court Judge
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