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18 Attorneys for Defendants

19 UNITED STATES DISTRICT COURT

20 FOR THE NORTHERN DISTRICT OF CALIFORNIA

21 AND THE EASTERN DISTRICT OF CALIFORNIA

22 UNITED STATES DISTRICT COURT COMPOSED OF THREE JUDGES

23 PURSUANT TO SECTION 2284, TITLE 28 UNITED STATES CODE

24 RALPH COLEMAN, et al.,

25 Plaintiffs,

26 v.

27 ARNOLD SCHWARZENEGGER, et al.,

28 Defendants.

29 No. 2:90-cv-00520 LKK JFM P

30 THREE-JUDGE COURT

31 MARCIANO PLATA, et al.,

32 Plaintiffs,

33 v.

34 ARNOLD SCHWARZENEGGER, et al.,

35 Defendants

36 No. C01-1351 TEH

37 THREE-JUDGE COURT

38 **STIPULATION AND ~~PROPOSED~~ ORDER  
39 REGARDING EXPERT DISCOVERY AND  
40 EVIDENCE**

41 Counsel for Defendants Arnold Schwarzenegger, et al., and counsel for Plaintiffs

1 Marciano Plata, et al., met and conferred regarding the various scheduling conflicts  
2 facing their respective experts. Defendants' expert, Dr. Thomas, has scheduling  
3 conflicts, including important medical appointments, that will prevent Dr. Thomas from  
4 inspecting prison facilities before the end of August. A copy of Dr. Thomas' schedule for  
5 August 2008 is attached as Exhibit A. Dr. Thomas is, however, available to tour prisons  
6 during the first week of September. Plaintiffs' expert, Dr. Krisberg, has another  
7 commitment that prevents him from completing his expert report by August 15, 2008.

8 Accordingly, after meeting and conferring, on July 25, 2008, the parties reached a  
9 stipulation regarding expert discovery and evidence, a copy of which is attached as  
10 Exhibit B. The parties agreed to submit, and did submit, the stipulation to Magistrate  
11 Moulds on July 25, 2008. On July 29, 2008, Magistrate Moulds issued an order  
12 declining to approve the stipulation, stating: "Absent approval of the three-judge court,  
13 this court will not authorize any deadline for service of expert reports that exceeds the  
14 September 10, 2008 deadline authorized by the court's July 11, 2008 order." A copy of  
15 Magistrate Moulds' July 29, 2008 Order is attached as Exhibit C.

16 The parties have altered the proposed stipulation slightly and hereby stipulate as  
17 follows:

18 Dr. Thomas will be permitted to inspect CDCR institutions up to and through  
19 September 6, 2008. Dr. Thomas may rely on evidence from these inspections in forming  
20 his opinion, including in his supplemental expert report, and Defendants may introduce  
21 evidence at trial that was obtained during these inspections. Plaintiffs will be entitled to  
22 present rebuttal evidence of prison conditions during the same period.

23 Dr. Thomas' supplemental expert report will be due 12 days after he completes  
24 his inspections, either on September 17 or September 18, 2008.

25 Dr. Krisberg's supplemental expert report will be due on or before September 8,  
26 2008.

27 The parties now seek approval of the proposed stipulation by the Three-Judge  
28 Court.

1 IT IS SO STIPULATED.

2 DATED: July 30, 2008

HANSON BRIDGETT LLP

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6 DATED: July 30, 2008

PRISON LAW OFFICE

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Pursuant to the foregoing stipulation, IT IS SO ORDERED: <sup>1</sup>

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DATED: 08/07/08

/s/

Stephen Reinhardt  
United States Circuit Judge  
Ninth Circuit Court of Appeals

DATED: 08/07/08

/s/

Lawrence K. Karlton  
Senior United States District Judge  
Eastern District of California

DATED: 08/07/08



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The Court grants this stipulation with  
the understanding that all other dates,  
including the trial date, are firm and  
shall remain unchanged.