MR. FISHBACK: YES.
MR. PARKER: WE'LL PROBABLY RESIST THAT EFFORT AND CERTAINLY IN SAN FRANCISCO, BUT LATER, BECAUSE WE HAVE THE NEXT WITNESS HERE ON IN 15 MINUTES. I DO NOTE THAT WE HAVE TWO EXHIBITS MARKED FOR THE RECORD, AND THEY SHOULD BE AT THIS POINT ATTACHED.
MR. FISHBACK: YES, I APOLOGIZE. 1-A IS THE NOTICE OF THE DEPOSITION AND -- I'M SORRY. THE LETTER CONFIRMING THE DATE AND TIME OF THE DEPOSITION, AND 1-B IS THE NOTICE OF TAKING THE DEPOSITION OF PERSON MOST KNOWLEDGEABLE.
(PLAINTIFF'S EXHIBITS 1-A AND 1-B WERE MARKED FOR IDENTIFICATION BY THE CERTIFIED SHORTHAND REPORTER.)
MR. PARKER: 1-A IS THE JULY 19TH LETTER, ACTUALLY, TO ALL DEFENSE COUNSEL AND -- WELL, EXHIBIT 1-B APPEARS TO BE YOUR ORIGINAL NOTICE OF DEPOSITION BACK IN JUNE, WHICH IS NOT THE TERMS UNDER WHICH THIS DEPOSITION IS BEING TAKEN.
SO I'M GOING TO ATTACH A COPY OF THE STIPULATION WHICH WE FILED WITH THE COURT LAST WEEK IN WHICH WE AGREED ABOUT THE TOPICS OF THIS DEPOSITION SO IT'S CLEAR.
MR. FISHBACK: DID YOU FILE THE STIPULATION WITH THE COURT?

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MR. PARKER: YES. I FILED IT WITH THE COURT BECAUSE YOU REPRESENTED ON THE RECORD THAT WAS THE SCOPE OF THE DEPOSITION. I'VE BEEN REFERRING TO IT FOR QUITE SOME TIME. I ASKED AT THE BEGINNING TO SHOW ME EXHIBIT 1-B, AND YOU DIDN'T UNTIL JUST NOW.
SO WE HAVE TO HAVE A CLEAR RECORD OF WHAT THE SCOPE OF THIS DEPOSITION IS. SO I'LL ATTACH THE DECLARATION THAT I FILED AS EXHIBIT NO. 2 TO THIS DEPOSITION; AND TO MAKE IT CLEAR, ATTACHED TO MY DECLARATION WHICH WAS FILED JULY 20TH WITH THE COURT AS EXHIBIT A IS THE STIPULATION THAT WAS PART OF THE RECORD AND THEN LATER I SENT YOU CLARIFYING THAT WE HAD ACTUALLY MODIFIED THAT STIPULATION SOMEWHAT IN COURT. THAT WILL BE EXHIBIT 2. DO YOU WANT TO SEE THAT?
(DEFENDANTS' EXHIBIT 2 WAS MARKED FOR IDENTIFICATION BY THE CERTIFIED SHORTHAND REPORTER.)
MR. FISHBACK: NO. I'M FAMILIAR WITH THAT STIPULATION. NOT ONLY DID I NOT AGREE TO IT, IT'S NOT BEEN SIGNED. SO IT'S NOT A STIPULATION IN ANY MEANS. IT DOESN'T EVEN CONTAIN THE RIGHT INFORMATION. SO --
MR. PARKER: HERE'S THE THING. I ORDERED A COPY OF THE TRANSCRIPT OF THE HEARING, AND YOU AGREED THAT THAT PROPOSED STIPULATION DID, IN FACT, DEFINE THE PARAMETERS OF TODAY'S DEPOSITION --

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MR. FISHBACK: NO.
MR. PARKER: -- YOU REFUSED TO SIGN IT AND DECLINED TO SIGN IT, BUT IT CERTAINLY DOES DEFINE THE SCOPE OF THE DEPOSITION. THAT IS WHY I FILED IT WITH THE COURT FOR EXACTLY THIS SCENARIO, THAT SOMEONE WOULD TAKE THE POSITION THAT THIS STIPULATION DIDN'T GOVERN, AND, IN FACT, IT DOES. I'M CALLING IT A STIPULATION EVEN THOUGH I RECOGNIZE THAT NEITHER PARTY ACTUALLY SIGNED IT.
MR. FISHBACK: NO.
MR. PARKER: IT WILL BE EXHIBIT 2 TO THE DEPOSITION.