

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Lakeith L. McCoy v. A. Holguin, et al.

McCoy v. Holguin · No. 1:15-cv-00768-KES-HBK · Decided September 18, 2025

SUMMARY

The United States District Court for the Eastern District of California permits two of the plaintiff's witnesses to testify remotely by Zoom at the upcoming trial. The order also addresses witness subpoenas, service, and estimated witness fees, per diem, and transportation costs for other witnesses.

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 LAKEITH L. MCCOY, Case No. 1:15-cv-00768-KES-HBK 12 Plaintiff,
ORDER 13 v. 14 A. HOLGUIN, et al., 15 Defendants. 16 17 This matter is set for trial on
September 23, 2025. Based on the parties' agreement and 18 for good cause shown, the Court
permits plaintiff's witnesses Dr. Steven Yaplee and J. Jones to 19 testify remotely at trial via
Zoom.

See Fed. R. Civ. P. 43(a) ("For good cause in compelling 20 circumstances and with appropriate
safeguards, the court may permit testimony in open court by 21 contemporaneous transmission
from a different location."); see also Doc. 343. A party must 22 ensure that each witness testifying
remotely has on hand copies of any trial exhibits the party 23 intends to address with the witness.

The Court's videoconference system will not allow the 24 exhibit to be shown remotely to the
witness during testimony. 25 /// 26 /// 27 /// 28 /// 1 The estimated cost for each of plaintiff's
witnesses is indicated below: 2 | Name! Location" Daily Witness Fee Per Diem* Transportation
Total 3 Dr. Steven Yaplee N/A \$40.00 N/A N/A \$40.00 4 R. Wilson Tehachapi,CA \$40.00 \$193.50
\$219.80 \$453.30 J. Jones N/A \$40.00 N/A N/A \$40.00 5 | L. Cardenas Tehachapi,CA \$40.00
\$193.50 \$219.80 \$453.30 6 Counsel for defendants have agreed to accept service on behalf of
witnesses R. Wilson, 7 | J. Jones, and L. Cardenas.

See Doc. 343. For those witnesses, plaintiff will need to provide to 8 | defendants' counsel money
orders in the amounts listed above, along with the trial subpoenas. 9 190 | SO ORDERED. _ 11
Dated: _ September 18, 2025 UNITED STATES DISTRICT JUDGE 12 3p 14 ' In his pretrial
statement, plaintiff also listed J. Gutierrez, former Associate Warden, as a witness.

Doc. 342 at 28. However, as J. Gutierrez's location has not been identified, it was not possible to
15 || estimate total witness fees for J. Gutierrez. 16 | * The Court takes judicial notice of the fact

that California Correctional Institution is approximately 157 miles from the U.S. District Courthouse in Fresno. Federal Rule of 17 | Evidence 201 permits a court to take judicial notice of facts that are “not subject to reasonable 1g | dispute” because they are either “generally known within the trial court's territorial jurisdiction,” or they “can be accurately and readily determined from sources whose accuracy cannot 19 || reasonably be questioned.” Fed.

R. Evid. 201(b); see Nat’l Agr. Chemicals Ass’n. v. Rominger, 500 F. Supp. 465, 472 (E.D. Cal. 1980). The Court may take judicial notice on its own or at the 20 | request of any party. Fed. R. Evid. 201(c). 21 | 3 Includes standard daily lodging rate of \$129.00 for Fresno, CA plus first/last day meals and incidentals of \$64.50.

The total for meals and incidentals for each subsequent day is \$86.00. U.S. General Services Administration, Per Diem Rates, [https://www.gsa.gov/travel/plan- 23 | book/per-diem-rates](https://www.gsa.gov/travel/plan-book/per-diem-rates) (last visited Sept. 18, 2025). A per diem rate is not included for Dr. Yaplee and J. Jones as they will be testifying remotely. 24 * Travel costs are based on round-trip mileage at the current reimbursement rate.

28 U.S.C. 25 § 1821. As of January 1, 2025, the mileage reimbursement rate for a privately owned vehicle is 26 \$0.70 per mile. U.S. General Services Administration, Privately Owned Vehicle (POV) Mileage Reimbursement Rates, <https://www.gsa.gov/travel/plan-book/transportation-airfare-pov- 27 | etc/privately-owned-vehicle-mileage-rates> (last visited Sept. 18, 2025).

There are no transportation costs for Dr. Yaplee and J. Jones as they will be testifying remotely. 28