

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.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	September 18, 2025
DOCKET	1:15-cv-00768-KES-HBK
DISPOSITION	other
PROCEDURAL POSTURE	Pretrial order addressing remote testimony, witness subpoenas, service, and estimated witness fees for a trial scheduled to begin September 23, 2025.
PRECEDENTIAL VALUE	Unknown; interlocutory pretrial order.

TOPICS

evidence judicial notice civil procedure

PRACTICE AREAS

civil procedure evidence

QUESTIONS PRESENTED

- Whether, for good cause and based on compelling circumstances with appropriate safeguards, plaintiff’s witnesses Dr. Steven Yaplee and J. Jones should be permitted to testify remotely by contemporaneous transmission.
- Whether the court could take judicial notice of the approximate distance between California Correctional Institution and the federal courthouse in Fresno for purposes of estimating witness transportation costs.

HOLDINGS

1. The court permitted Dr. Steven Yaplee and J. Jones to testify remotely at trial via Zoom because the parties agreed and good cause was shown.
2. The court took judicial notice that California Correctional Institution is approximately 157 miles from the United States District Courthouse in Fresno for purposes of calculating estimated transportation costs.

KEY QUOTATIONS

“For good cause in compelling circumstances and with appropriate safeguards, the court may permit testimony in open court by contemporaneous transmission from a different location.” (at 1)

“not subject to reasonable dispute” (at 2)

FACTUAL BACKGROUND

The case was set for trial on September 23, 2025. Plaintiff intended to call Dr. Steven Yaplee and J. Jones, among others, and the court permitted those two witnesses to testify remotely via Zoom. The court also estimated witness fees, per diem, and transportation costs for several witnesses and noted that defendants' counsel agreed to accept service for three witnesses.

PROCEDURAL HISTORY

The matter was pending before the Eastern District of California and was set for trial. Based on the parties' agreement and good cause, the court authorized two plaintiff witnesses to testify remotely and issued directions concerning trial exhibits, witness subpoenas, service, and witness-related costs.

DISPOSITION

other

CASES CITED

- Nat'l Agr. Chemicals Ass'n v. Rominger, 500 F. Supp. 465, 472 (E.D. Cal. 1980)