

- a. Whether or not Mr. Hoover is unavailable for trial in the instant action shall be governed by Federal Rule of Evidence 804(a);
 - b. The Parties shall not object to the use of Mr. Hoover's deposition testimony in the *Jinsun* Action as evidence attached to and incorporated into any motions for summary judgment (or responses thereto) filed in the instant action. Solely for purposes of the parties' summary judgment motions (and responses thereto), the deposition testimony in the *Jinsun* Action will be treated by the parties as if taken in this case.
 - c. The Parties will not introduce the Mr. Hoover's deposition testimony in the *Jinsun* Action at trial except as permitted by Fed. R. Civ. P. 32. This stipulation shall not waive or affect either the Receiver's or Defendants' ability to use Mr. Hoover's deposition testimony in the *Jinsun* Action for impeachment purposes at trial.
2. The foregoing shall not be considered a waiver of any objections to questions or testimony stated on the record during Mr. Hoover's deposition testimony in the *Jinsun* Action, and is subject to any future written agreements between the Defendants and the Receiver, court rulings regarding trial testimony, and the rules and limitations of the Federal Rules of Evidence and Civil Procedure.

SO ORDERED this ____ day of November, 2020

Agreed as to form:

Dated: November 16, 2020

SIDNEY A. FITZWATER
UNITED STATES DISTRICT JUDGE

/s/ Nicolas Morgan

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Dated: November 16, 2020

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STIPULATION REGARDING RICK HOOVER'S DEPOSITION TESTIMONY IN THE
JINSUN ACTION AND [PROPOSED] ORDER

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