BROWN POORE LLP
SCOTT A. BROWN, State Bar No. 177099
DAVID M. POORE, State Bar No. 192541
1350 Treat Boulevard, Suite 420
Walnut Creek, CA 94597
P.O. Box 944255
Sacramento, CA 94244-2550
Telephone: (925) 943-1166
E-mail: sbrown@bplegalgroup.com
Attorneys for Plaintiff Tamara Evans

XAVIER BECERRA, State Bar No. 118517
Attorney General of California
ANDREA R. AUSTIN, State Bar No. 173630
Supervising Deputy Attorney General
KELCIE M. GOSLING, State Bar No. 142225
Deputy Attorney General
1300 I Street, Suite 125
P.O. Box 944255
Sacramento, CA 94244-2550
Telephone: (916) 210-6114
Fax: (916) 324-5567
E-mail: Kelcie.Gosling@doj.ca.gov
Attorneys for Defendants
California Commission on Peace Officer Standards & Training, Edmund Pecinovsky and Anne Johnston

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

TAMARA EVANS, Plaintiff, **v.** **CALIFORNIA COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING; EDMUND PECINOVSKY; ANNE BREWER and DOES 1-25,** Defendants.	2:15-cv-01951-MCE-DB **STIPULATION AND ORDER TO MODIFY PRETRIAL SCHEDULING ORDER TO PERMIT DEFENDANTS TO DESIGNATE KRISTOFFER HALL AS EXPERT WITNESS ON ECONOMIC DAMAGES DUE TO RETIREMENT OF DEFENDANTS' PREVIOUSLY DESIGNATED EXPERT WITNESS MARGO OGUS**

STIPULATION

Pursuant to Federal Rule of Procedure 16(b)(4) and Local Rules 143 and 144, plaintiff Tamara Evans ("plaintiff") and defendants California Commission on Peace Officer Standards

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

and Training, Edmund Pecinovsky and Anne Johnston (collectively, "defendants") hereby stipulate and request the Court to modify the Pretrial Scheduling Order to permit defendants to designate Kristoffer M. Hall as an expert witness on economic damages in place of defendants' previously-designated expert witness on that subject, Margo Ogus. Good cause exists to modify the Pretrial Scheduling Order under Rule 16 for the following reasons.

The Court's most recent scheduling order required the parties to designate expert witnesses on or before September 27, 2017. *See* Document 69. On October 17, 2017, pursuant to Federal Rule of Civil Procedure 26(a)(2)(D)(ii), defendants timely filed a Rebuttal Expert Disclosure designating Margo Ogus to offer expert testimony about plaintiff's claimed economic losses in rebuttal to plaintiff's retained expert witness on that topic. *See* Document 76. Defendants' disclosure included Dr. Ogus's written report setting forth the opinions she would offer at trial. *Id.*

In mid-2019, Dr. Ogus advised defendants' counsel that she was retiring and winding up her firm, and therefore could not testify at the trial of this matter in May 2020. Defendants have since retained Kristoffer Hall, who concurs in the opinions expressed in Dr. Ogus's written report. Mr. Hall's trial testimony will express the opinions set forth in that report and he will not offer any additional or different opinions. Defense counsel has provided plaintiff's counsel with Mr. Hall's curriculum vitae and fee schedule, which are attached hereto as Exhibit A.

The parties have made three previous requests to extend discovery deadlines in this case.

The parties therefore stipulate and request that the Court order as follows:

1. To modify the Pretrial Scheduling Order to permit defendants to designate Kristoffer Hall as a retained expert witness in place of Margo Ogus to testify about plaintiff's claimed economic losses.

/ / /

/ / /

/ / /

/ / /

/ / /

2. To order defendants to file a Supplemental Expert Witness Disclosure designating Mr. Hall in place of Dr. Ogus within five (5) court days of the Court's entry of the attached Order.

Dated: October 3, 2019

Respectfully submitted,

BROWN POORE LLP

/s/ Scott A. Brown

SCOTT A. BROWN
Attorneys for Plaintiff Tamara Evans

Dated: October 3, 2019

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
ANDREA R. AUSTIN
Supervising Deputy Attorney General

/s/ Kelcie M. Gosling

KELCIE M. GOSLING
Deputy Attorney General
Attorneys for Defendants California Commission on Peace Officer Standards and Training, Edmund Pecinovsky and Anne Johnston

ORDER

IT IS SO ORDERED.

Dated: October 10, 2019

MORRISON C. ENGLAND, JR
UNITED STATES DISTRICT JUDGE