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5 **UNITED STATES DISTRICT COURT**  
6 **EASTERN DISTRICT OF CALIFORNIA**

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8 CYNTHIA RIVERA-MARTINEZ and  
ARTURO MARTINEZ,

9 **Plaintiffs,**

10 v.

11 KERN COUNTY; KERN COUNTY  
12 DEPARTMENT OF HUMAN SERVICES;  
13 SOCIAL WORKER STEPHANIE MEEK,  
individually; and DOES 1 through 100,  
inclusive,

14 **Defendants.**

Case No.: 1-16-cv-00062-SEH

**ORDER**

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16 Pretrial motions previously submitted in this case were resolved by prior orders of Court<sup>1</sup>  
17 except for Defendants' Motion to Strike Plaintiffs' Second Expert Witness Designation (ECF No.  
18 61)<sup>2</sup> ("Motion to Strike Dr. Hyman"). This Order addresses the pending Motion to Strike Dr.  
19 Hyman.

20 Defendants have named Philip W. Hyden, M.D. ("Dr. Hyden"), as a non-retained expert  
21 witness to testify in support of Defendants' case-in-chief. Dr. Hyman was identified by Plaintiff  
22 as, in substance, a rebuttal witness to be called if Dr. Hyden testifies in Defendants' case-in-chief.

23 Numerous filings<sup>3</sup> have been made directed to the pending motion, all of which are  
24 effectively subsumed by the larger and more inclusive question of whether and to what extent Dr.  
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27 <sup>1</sup> Docs. 101 and 105.

<sup>2</sup> Doc. 69.

28 <sup>3</sup> Doc. Nos. 69, 70 and 72.


1 Hyman may be permitted to testify at trial.

2 Defendants' designation of Dr. Hyden as a case-in-chief witness to be called is not  
3 challenged. Other issues aside, the Court has determined that if Dr. Hyden testifies, Dr. Hyman  
4 may be called in rebuttal to offer opinions appropriately admissible in evidence in response to Dr.  
5 Hyden's testimony and opinions. Any such testimony will be subject to appropriate admission of  
6 evidence limitations.<sup>4</sup>  
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8 ORDERED:

9 Defendants' Motion to Strike Plaintiffs' Second Expert Witness Designation (ECF No.  
10 61),<sup>5</sup> consistent with this Order, is DENIED.

11 DATED this 31<sup>st</sup> day of October, 2017.

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14 SAM E. HADDON  
15 United States District Judge  
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27 <sup>4</sup> Counsel are invited to review the transcript of Court proceedings held in this case on October 12, 2017, (Doc. 162)  
28 in which parameters for the scope of evidence admissible at trial were authorized by the Court.

<sup>5</sup> Doc. 69.