

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

TROY MAGARRELL,

Plaintiff,

NO. CIV. S-04-2634 LKK/DAD

P. MANGIS, M.D., S.M. ROCHE,  
M.D., and RICHARD SANDHAM, M.D.,

Defendants.

**PRETRIAL CONFERENCE ORDER**  
**[TENTATIVE]**

15 Pursuant to court order, a Pretrial Conference was held in  
16 Chambers on June 28, 2010. MARK RAVIS and KAREN TRAVIS appeared  
17 as counsel for plaintiff; KEVIN W. REAGER appeared as counsel for  
18 defendant P. Mangis, M.D.; JEFFREY M. CURTISS appeared as counsel  
19 for defendant S.M. Roche, M.D. After hearing, the court makes the  
20 following findings and orders:

**I. JURISDICTION/VENUE**

22        Jurisdiction is proper under 28 U.S.C. § 1331.    Venue is  
23 proper under 28 U.S.C. § 1391(b).    Those orders have previously  
24 been made and are now confirmed.

II. JURY/NON-JURY

26 Pursuant to the request of the parties, the trial will be by

1 || jury.

### III. UNDISPUTED FACTS

UNDISPUTED FACTS RELATING TO PLAINTIFF'S CAUSE OF ACTION FOR  
VIOLATION OF THE EIGHTH AMENDMENT PROHIBITION OF CRUEL AND UNUSUAL  
PUNISHMENT

1. Magarrell had a history of kidney stones since 1991.

7 2. Magarrell had surgery for kidney stones on May 23, 2002  
8 by Dr. Lajeunesse, his treating urologist in Reno, Nevada.

9       3. Dr. Lajeunesse indicated at the time of the May 23, 2002  
10 surgery that Magarrell should be observed in the event of a  
11 recurrence of kidney stones.

12       4. The evening of October 29, 2003, Magarrell went to the  
13 emergency room complaining of severe flank pain, which Magarrell  
14 believed to be recurrent kidney stone pain.

15       5. The following day, on October 30, 2003, Dr. Mangis saw  
16 Magarrell.

17 6 Dr. Mangis was aware that Magarrell had a history of  
18 kidney stones.

19       7. At the time of the October 30, 2003 examination, Dr.  
20 Mangis did not order an x-ray to be taken.

21 8.' At the October 30, 2003 examination, vital signs were  
22 taken by a medical assistant and a dip stick test of the urine  
23 revealed that Magarrell had trace (non-visible) amounts of blood  
24 in his urine.

25 9. Dr. Mangis concluded from his October 30, 2003 examination  
26 that Magarrell did not present with pain consistent with kidney

1 stones. Dr. Mangis believed Magarrell's claims of pain to be  
2 greatly exaggerated. Dr. Mangis prescribed Magarrell Tylenol and  
3 recommended that he drink fluids and be observed.

4 10. On November 9, 2003, Magarrell complained to staff at  
5 5:45 p.m. that he had "kidney stones that hadn't passed and that  
6 it was very painful and had gone on for two weeks." He also  
7 complained of alteration in his urination pattern. He was referred  
8 to see a physician the next day.

9 11. On November 10, 2003, Magarrell once again saw Dr. Mangis  
10 and his vital signs were taken.

11 12. For the November 10, 2003 examination, Dr. Mangis did not  
12 order a urinalysis or x-ray. Dr. Mangis concluded that Magarrell  
13 was not suffering from kidney stones.

14 13. On December 13, 2003, Dr. Roche denied Magarrell's  
15 appeal seeking further diagnostic testing (ultrasound or x-rays).

16 14. On January 16, 2004, Magarrell was interviewed by Dr. James  
17 and Dr. James denied Magarrell's request for further testing on the  
18 same grounds as Dr. Roche.

19 15. On January 28, 2004, Dr. Roche agreed with Dr. James'  
20 conclusion of January 16, 2004 and ordered that Magarrell be  
21 escorted back to the clinic in one month to monitor his condition.

22 16. Dr. James examined Magarrell on March 3, 2004 and  
23 recommended that he see his urology specialist, Dr. Lajeunesse.

24 17. In early May 2004 Magarrell passed and recovered a  
25 kidney stone and showed it to Dr. Lajeunesse at the time of his  
26 appointment with her on May 10. He passed another stone on June

1 16, 2004 while at the Northern Nevada Medical Center, where he had  
2 been taken for extreme pain.

3 18. Dr. Lajeunese saw plaintiff on May 10, 2004 and ordered  
4 a C-T scan done that day. It revealed three stones in the right  
5 kidney and one in the left kidney.

6 19. On July 22, 2004, Dr. Roche approved Magarrell for  
7 surgery for removal of kidney stones, to be performed by Dr.  
8 Lajeunesse.

9 20. On July 23, 2004, Magarrell was found curled up in a ball  
10 in his cell complaining of severe pain. Later that day, Dr. Roche  
11 was telephoned by Nurse Kincaid regarding Magarrell's request for  
12 a shot of pain medication. Dr. Roche denied the request for the  
13 shot of pain medication and advised Magarrell to drink water..

14 21. Dr. Roche was aware that kidney stones could cause severe  
15 pain.

16 22. On August 3, 2004, Magarrell underwent urologic surgery,  
17 performed by Dr. Lajeunesse. Multiple stones were removed from the  
18 right and left urinary systems.

19 23. Following the surgical removal of his stones, Magarrell  
20 has not had any pain related to kidney stones.

21 24. At the time of Magarrell's appeal in December 2003 and  
22 January 2004, Dr. Roche believed that Mr. Magarrell possibly had  
23 kidney stones.

24 **IV. DISPUTED FACTUAL ISSUES**

25 1. Whether or not Magarrell was frequently curled up in pain  
26 and unable to engage in his daily activities because of pain

1 between October 29, 2003 and August 3, 2004.

2       2. Whether or not a few weeks before Magarrell's first  
3 appointment with Dr. Mangis (October 30, 2003), Magarrell developed  
4 left flank pain which he knew to be identical to the kidney stone  
5 pain he had previously experienced.

6       3. Whether or not Dr. Mangis did a physical examination of  
7 Magarrell during his October and November 2003 visits.

8       4. Whether or not Dr. Mangis did order any tests to determine  
9 the presence of kidney stones during the October and November 2003  
10 examinations.

11       5. Whether or not Dr. Mangis reviewed Magarrell's medical  
12 file prior to the October 30, 2003 and November 10, 2003 visits.

13       6. Whether or not at the October 30, 2003 examination, Dr.  
14 Mangis asked Magarrell to describe his pain and the prior treatment  
15 he had received for problematic kidney stones.

16       7. Whether or not at the time of the October 30, 2003  
17 examination, Dr. Mangis ordered that Magarrell's vital signs be  
18 taken, as well as blood tests.

19       8. Whether or not Dr. Roche acted unreasonably by refusing to  
20 authorize an ultrasound or x-rays on December 13, 2003 in order to  
21 determine whether or not plaintiff had kidney stones.

22       9. In December 2003 and January 2004, whether or not Dr.  
23 Roche acted unreasonably by not promptly providing plaintiff a  
24 referral to see his treating urologist, Dr. Lajeunesse.

25       10. Whether or not Dr. Roche acted unreasonably when he  
26 processed plaintiff's appeal without speaking to him or examining

1 him (or, according to plaintiffs, his medical record) in December  
2 2003 and January 2004.

3 11. Whether or not Dr. Roche acted unreasonably on July 23,  
4 2004, when he denied plaintiff pain medication over the phone while  
5 speaking with a medically trained assistant, and instead told  
6 Magarrell to drink water, without speaking to or examining  
7 Magarrell in person on that day.

8 12. Whether or not defendant Dr. Mangis failed to review  
9 Magarrell's medical chart and discover Magarrell's history of  
10 kidney stones at the time of his visits on October 30 and November  
11 10, 2003.

12 13. Whether or not Dr. Mangis acted with deliberate  
13 indifference by not making a differential diagnosis when he saw  
14 Magarrell.

15 14. Whether or not Dr. Mangis acted with deliberate  
16 indifference to plaintiff's serious medical needs on November 10,  
17 2003 by suspecting him of drug seeking behavior on ruse of  
18 having active kidney stones.

19 15. Whether or not Dr. Mangis was aware that Magarrell had  
20 been seen in the emergency room on October 29, 2003 complaining of  
21 kidney-stones.

22 **V. NON-DISCOVERY MOTIONS TO THE COURT AND RESOLUTION**

23 On July 31, 2009, plaintiff voluntarily dismissed the third  
24 defendant in this case, Dr. Sandham.

25 Motions for summary judgment were filed by defendants  
26 Mangis and Roche. Magistrate Judge Drozd recommended that they

1 be denied, and by orders filed October 23 and November 3, 2009,  
2 the court adopted those findings and recommendations in full.  
3 Therein, the Magistrate Judge recommended, and the court found,  
4 that the underlying law was clearly established, and  
5 accordingly, defendant Roche was not entitled to summary  
6 judgment on the basis of qualified immunity.

## **VI. DISPUTED EVIDENTIARY ISSUES**

8 The parties raise various evidentiary issues. The parties  
9 are directed to bring on motions in limine addressing these  
10 issues. Such motions shall be filed so as to be heard on the  
11 court's law and motion calendar for August 30, 2010 at 10:00  
12 a.m. These motions shall be briefed in accordance with the  
13 schedules provided by Local Rule 230.

## **VII. RELIEF SOUGHT**

15 Plaintiff seeks non-economic compensatory damages for pain  
16 and suffering, punitive damages, and attorney's fees.

17 Defendants seek judgment in their favor.

## VIII. POINTS OF LAW

19 (a) The elements, standards, and burdens of proof of a  
20 claim under 42 U.S.C. § 1983 for deliberate indifference to  
21 medical needs in violation of the Eighth Amendment, under the  
22 facts and circumstances of this case.

23 (b) The elements, standards, and burdens of proof of a  
24 claim for supervisory liability under 42 U.S.C. § 1983, under  
25 the facts and circumstances of this case. The parties' pretrial  
26 briefs shall address each of those issues. They may, of course,

1 address other issues that the parties believe are appropriate  
2 for the court's edification.

3 ANY CAUSES OF ACTION OR AFFIRMATIVE DEFENSES NOT EXPLICITLY  
4 ASSERTED IN THE PRETRIAL ORDER UNDER POINTS OF LAW AT THE TIME  
5 IT BECOMES FINAL ARE DISMISSED, AND DEEMED WAIVED.

6 **IX. ABANDONED ISSUES**

7 Plaintiff appears to have abandoned the claim that failure  
8 to provide defendant with a low-oxalate diet constituted  
9 deliberate indifference.

10 **X. WITNESSES**

11 Plaintiff anticipates calling the following witnesses:

12 See attachment "A".

13 Defendant anticipates calling the following witnesses:

14 See attachment "B".

15 Each party may call a witness designated by the other.

16 A. No other witnesses will be permitted to testify  
17 unless:

18 (1) The party offering the witness demonstrates that the  
19 witness is for the purpose of rebutting evidence which could not  
20 be reasonably anticipated at the Pretrial Conference, or

21 (2) The witness was discovered after the Pretrial  
22 Conference and the proffering party makes the showing required  
23 in "B" below.

24 B. Upon the post-Pretrial discovery of witnesses, the  
25 attorney shall promptly inform the court and opposing parties of  
26 the existence of the unlisted witnesses so that the court may

1 consider at trial whether the witnesses shall be permitted to  
2 testify. The evidence will not be permitted unless:

3 (1) The witnesses could not reasonably have been  
4 discovered prior to Pretrial;

5 (2) The court and opposing counsel were promptly  
6 notified upon discovery of the witnesses;

7 (3) If time permitted, counsel proffered the  
8 witnesses for deposition;

9 (4) If time did not permit, a reasonable summary of  
10 the witnesses' testimony was provided opposing counsel.

11 **XI. EXHIBITS, SCHEDULES AND SUMMARIES**

12 Plaintiff contemplates the following by way of exhibits:

13 See attachment "C".

14 Defendant contemplates the following by way of exhibits:

15 See attachment "D".

16 A. No other exhibits will be permitted to be introduced  
17 unless:

18 (1) The party proffering the exhibit demonstrates  
19 that the exhibit is for the purpose of rebutting evidence which  
20 could not be reasonably anticipated at the Pretrial Conference,  
21 or

22 (2) The exhibit was discovered after the Pretrial  
23 Conference and the proffering party makes the showing required  
24 in paragraph "B," below.

25 B. Upon the post-Pretrial discovery of exhibits, the  
26 attorneys shall promptly inform the court and opposing counsel

1 of the existence of such exhibits so that the court may consider  
2 at trial their admissibility. The exhibits will not be received  
3 unless the proffering party demonstrates:

4 (1) The exhibits could not reasonably have been  
5 discovered prior to Pretrial;

6 (2) The court and counsel were promptly informed of  
7 their existence;

8 (3) Counsel forwarded a copy of the exhibit(s) (if  
9 physically possible) to opposing counsel. If the exhibit(s) may  
10 not be copied, the proffering counsel must show that he has made  
11 the exhibit(s) reasonably available for inspection by opposing  
12 counsel.

13 As to each exhibit, each party is ordered to exchange  
14 copies of the exhibit not later than fourteen (14) days from the  
15 date of this Pretrial Order. Each party is then granted  
16 fourteen (14) days to file with the court and serve on opposing  
17 counsel any objections to said exhibits. In making said  
18 objections, the party is to set forth the grounds for the  
19 objection. As to each exhibit which is not objected to, it  
20 shall be marked and received into evidence and will require no/  
21 further foundation. Each exhibit which is objected to will be  
22 marked for identification only.

23 In addition to electronically filing said objections, if  
24 any, the objections must be submitted by email, as an attachment  
25 in Word or WordPerfect format, to: arivas@caed.uscourts.gov.

1       The attorney for each party is directed to appear before  
2 and present an original and one (1) copy of said exhibit to Ana  
3 Rivas, Deputy Courtroom Clerk, not later than 10:30 a.m. on the  
4 date set for trial. All exhibits shall be submitted to the  
5 court in binders. Plaintiff's exhibits shall be listed  
6 numerically. Defendant's exhibits shall be listed  
7 alphabetically. The parties shall use the standard exhibit  
8 stickers provided by the court: pink for plaintiff and blue for  
9 defendant.

## XII. DISCOVERY DOCUMENTS

For impeachment only.

### XIII. FURTHER DISCOVERY OR MOTIONS

Discovery and law and motion have been cut-off.

#### XIV. STIPULATIONS

None.

## **XV. AMENDMENTS/DISMISSALS**

None.

## XVI. FURTHER TRIAL PREPARATION

19 A. Counsel are directed to Local Rule 285 regarding the  
20 contents of and the time for filing trial briefs.

21 B. Counsel are informed that the court has prepared a set  
22 of standard jury instructions. In general, they cover all  
23 aspects of the trial except those relating to the specific  
24 claims of the complaint. Accordingly, counsel need not prepare  
25 instructions concerning matters within the scope of the prepared

1 instructions. A copy of the prepared instructions is given to  
2 the parties at the Pretrial Conference.

3 C. Counsel are further directed that their specific jury  
4 instructions shall be filed fourteen (14) calendar days prior to  
5 the date of trial. As to any instructions counsel desires to  
6 offer, they shall be prepared in accordance with Local Rule  
7 163(b)(1) which provides:

8 "Two copies of the instructions shall be submitted.

9 One copy shall be electronically filed as a .pdf  
10 document and shall contain each instruction on a  
11 separate page, numbered and identified as to the party  
12 presenting it. Each instruction shall cite the  
13 decision, statute, ordinance, regulation or other  
14 authority supporting the proposition stated in the  
15 instruction."

16 The second copy ("jury copy") shall be submitted by e-mail  
17 to lkkorders@caed.uscourts.gov.

18 **In addition, counsel shall provide copies of proposed forms  
19 of verdict, including special verdict forms, at the time the  
20 proposed jury instructions are filed with the court.**

21 D. It is the duty of counsel to ensure that any  
22 deposition which is to be used at trial has been filed with the  
23 Clerk of the Court. Counsel are cautioned that a failure to  
24 discharge this duty may result in the court precluding use of  
25 the deposition or imposition of such other sanctions as the  
26 court deems appropriate.

1       E. The parties are ordered to file with the court and  
2 exchange between themselves not later than one (1) week before  
3 the trial a statement designating portions of depositions  
4 intended to be offered or read into evidence (except for  
5 portions to be used only for impeachment or rebuttal).

6       F. The parties are ordered to file with the court and  
7 exchange between themselves not later than one (1) week before  
8 trial the portions of answers to interrogatories which the  
9 respective parties intend to offer or read into evidence at the  
10 trial (except portions to be used only for impeachment or  
11 rebuttal).

12       G. The court has extensive audiovisual equipment  
13 available. Any counsel contemplating its use shall contact the  
14 court's Telecommunications Manager, Andre Carrier, at (916) 930-  
15 4223, at least two weeks in advance of trial to receive the  
16 appropriate training.

17                   **XVII. SETTLEMENT NEGOTIATIONS**

18       The defendants have represented that a settlement  
19 conference will not be fruitful.

20                   **XIII. AGREED STATEMENTS**

21       None, except as set forth above.

22                   **XIX. SEPARATE TRIAL OF ISSUES**

23       None.

24                   **XX. IMPARTIAL EXPERTS/LIMITATION OF EXPERTS**

25       None.

26       ////

## XXI. ATTORNEYS' FEES

Plaintiff will seek attorney's fees by motion subsequent to judgment if it is in his favor.

## **XXII. MISCELLANEOUS**

None.

**XXIII. ESTIMATE OF TRIAL TIME/ TRIAL DATE**

Trial by jury is set for September 21, 2010, at 10:30 a.m., in Courtroom No. 4. The parties represent in good faith that the trial will take approximately five (5) days.

10 Counsel are to call Ana Rivas, Courtroom Deputy, at (916)  
11 930-4133, one week prior to trial to ascertain status of trial  
12 date.

#### **XXIV. OBJECTIONS TO PRETRIAL ORDER**

14        Each party is granted fourteen (14) days from the effective  
15 date of this Pretrial Order [Tentative] to object to or augment  
16 same. Each party is also granted seven (7) days thereafter to  
17 respond to the other party's objections. If no objections or  
18 additions are made, the Tentative Pretrial Order will become  
19 final without further order of the court.

20 The parties are reminded that pursuant to Federal Rule of  
21 Civil Procedure 16(e), this order shall control the subsequent  
22 course of this action and shall be modified only to prevent  
23 manifest injustice.

XXV. OTHER

25 All time limits and dates that refer to the Pretrial Order  
26 refer to the date this Pretrial Order [Tentative] is filed and

1 not the date an amended order, if any, is filed.

2 IT IS SO ORDERED.

3 DATED: July 1, 2010.

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5   
6 LAWRENCE K. KARLTON  
7 SENIOR JUDGE  
8 UNITED STATES DISTRICT COURT

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9 Attorney for Plaintiff, TROY MAGARRELL  
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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

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1 2275 East Bayshore Road, Suite 100, Palo Alto, CA 94303; Dr.Roche is a defendant and will  
2 testify in person;

3 D. Marie-Christine Lajeunesse, M.D.:Urology Nevada, Ltd., 1500 E. Second St., Suite 300.  
4 Reno, Nevada, 89502; Dr. Lajeunesse is an expert and treating physician. Dr. Lajeunesse will  
5 testify in person;

6 Dated: June 14, 2010

7 By: /s/ Mark Ravis  
8 Mark Ravis, Attorney for  
Plaintiff, TROY MAGARRELL

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1 Jordan S. Stanzler (State Bar No. 054620)  
2 Jeffrey M. Curtiss (State Bar No. 239199)  
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4 Facsimile: (650) 739-0916

5 Attorneys for Defendant S.M. Roche, M.D.

6

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

8

20 The defendants Drs. Michael Roche and Paul Mangis (collectively, "Defendants") submit  
21 this Witness List. The Defendants respectfully reserve the right to call rebuttal witnesses to  
22 Magarrell's witnesses, including any expert witness – in the event that expert testimony on behalf  
23 of Magarrell is allowed.

24 A. Troy Magarrell (Plaintiff)

25 The Defendants intend to examine Magarrell on all aspects of his allegations of deliberate  
26 indifference, as set forth in his pre-trial statement, or, in the event his allegations of deliberate  
27 indifference are not limited to those areas set forth in Magarrell's pre-trial statement, as set forth in  
28 his complaint. The Defendants also intend to examine Magarrell on topics which concern his

1 credibility as a witness, including his felony convictions.

2 B. Dr. Mangis (Defendant)

3 The Defendants intend to examine Dr. Mangis regarding all aspects of Magarrell's  
4 allegations of deliberate indifference (as set forth in section A above).

5 C. Dr. Roche (Defendant)

6 The Defendants intend to examine Dr. Roche regarding all aspects of Magarrell's  
7 allegations of deliberate indifference (as set forth in section A above).

8 D. Dr. LaJeunesse (Outside Treating Physician for Magarrell)

9 The Defendants intend to examine Dr. LaJeunesse regarding her treatment and knowledge  
10 of Magarrell's kidney stone-related health issues, her communications with Defendants or other  
11 prison staff, and any findings or recommendations Dr. LaJeunesse made concerning Magarrell  
12 during the time period relevant to this action.

13 E. Dr. James (Treating Physician at High Desert State Prison)

14 The Defendants intend to call Dr. James to testify regarding his examinations of Magarrell  
15 during the period relevant to this action.

16

17 DATED: June 21, 2010

STANZLER LAW GROUP LLC

18

19 By: /s/ Jeffrey Curtiss  
20 Jeffrey M. Curtiss  
21 Attorneys for Defendant S.M. Roche, M.D.

22

23 By: /s/ Jeffrey Curtiss on behalf of Kevin Reager  
24 Deputy Attorney General  
25 Attorneys for Defendant Phillip Mangis, M.D.

26

27

28

1 MARK RAVIS, M.D., J.D. [SBN: 137479]  
2 KAREN TRAVIS, ESQ. [SBN 128162]  
3 LAW OFFICE OF RAVIS & TRAVIS  
4 10866 Wilshire Boulevard, Suite 400  
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6 Attorney for Plaintiff, TROY MAGARRELL  
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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

TROY MAGARRELL, ) CASE NO: CIV S-04-2634 LKK (dad)  
Plaintiff, )  
vs. )  
P. MANGIS, M.D., S.M. ROCHE, )  
M.D. and RICHARD SANDHAM, )  
M.D. )  
Defendants. )  
PLAINTIFF'S EXHIBIT LIST  
(APPENDED TO PLAINTIFF'S  
SEPARATE PRE-TRIAL  
STATEMENT)  
Trial: September 21, 2010  
Dept: Courtroom 4  
Pre-Trial Conference: June 28, 2010  
at 2:30 p.m.  
Judge: Honorable Lawrence K.  
Karlton

Exhibits-Schedules and Summaries

A. Medical Records of Troy Magarrell from High Desert California State Prison, including:  
(1) Patient Discharge Summary-High Desert State Prison-5/10/02-5/11/02;  
(2) Dr. Lajeunesse Progress note-5/23/02;  
(3) Dr. Lajeunesse Operative Report-5/23/02;  
(4) Dr. Lajeunesse Progress note-6/20/02;  
(5) Emergency Room Admission-12/17/02;  
(6) Outpatient Progress Note-10/29/03;  
(7) Physician's Orders- 10/29/03;

1 (8) Physician's Progress Notes [3 ps.-handwritten and typed]-10/30/03;  
2 (9) Physician's Progress Notes-11/09/03;  
3 (10) Physician's Progress Notes [2 ps.-handwritten and typed]-11/10/03;  
4 (11) Physician's Progress Notes -12/15/03;  
5 (12) Physician's Progress Note-1/16/03;  
6 (13) History & Physical Examination [2 ps.]- 2/4/04;  
7 (14) Physician's Progress Notes [3 ps.]- 2/4/04;  
8 (15) Reno Endoscopy Center-Colonoscopy Report-2/5/04;  
9 (16) Physician's Progress Notes- 2/7/04 & 2/10/04;  
10 (17) Gastroenterology Consultants-Office Visit- 4/13/04;  
11 (18) Physician's Progress Note-5/12/04;  
12 (19) Outpatient Interdisciplinary Progress Notes-5/4/04;  
13 (20) Dr.Lajeunesse Progress Note [2 ps.]-5/10/04;  
14 (21) Emergency Care Flow Sheet- 6/14/04;  
15 (22) Emergency Care Flow Sheet- 6/15/04;  
16 (23) Dr.Lajeunesse Progress Note -6/15/04;  
17 (24) Dr. Lagunesse Progress Note- 7/22/04;  
18 (25) Dr. Lajeunesse Operative Report [2 ps.] -8/5/04  
19 26). Troy Magarrell's Inmate/Parolee Appeal Forms [602s-3 ps.]-11/10/03-6/27/04:  
20 27) First LevelAppeal Response-S.M. Roche, M.D. [2 ps.]:  
21 28) Second Level Appeal Response-Richard W. Sandham, M.D. [2 ps.]:  
22 29) Director's Level Appeal Decision-N. Grannis:

23  
24 Dated: June 14, 2010

25 By: /s/ Mark Ravis  
26 Mark Ravis, Attorney for  
27 Plaintiff, TROY MAGARRELL  
28

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5 Attorneys for Defendant S.M. Roche, M.D.

6

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

9

10 TROY MAGARRELL, ) Case No. CIV S-04-2634 LKK DAD  
11 Plaintiff, )  
12 v., ) **DEFENDANTS' EXHIBIT LIST**  
13 P. MANGIS, M.D., S.M. ROCHE, M.D., and ) **(APPENDED TO DEFENDANTS'**  
14 RICHARD SANDHAM, M.D., ) **SEPARATE PRETRIAL STATEMENT)**  
15 Defendants. ) Date: June 28, 2010  
16 ) Time: 2:30 p.m.  
17 ) Courtroom: 4  
18 ) Judge: Hon. Lawrence K. Carlton  
19 )

20 The defendants Drs. Michael Roche and Phillip Mangis (collectively, "Defendants") submit  
21 this Exhibit List. It should be noted that the medical records at issue in this action are not Bates  
22 numbered, and therefore identification of the same is difficult. In general, Defendants intend to  
23 introduce the medical records generated between October 29, 2003 and August 4, 2004 which  
24 refer, evidence or relate to Plaintiff's complaints of problematic kidney stones.

25 (A) Plaintiff's complaint  
26 (B) Dr. Mangis's answer to Plaintiff's complaint  
27 (C) Dr. Roche's answer to Plaintiff's complaint  
28 (D) Physician's Orders dated 10/29/03

- 1 (E) Outpatient Progress Notes dated 10/29/03
- 2 (F) Emergency Room Admission dated 10/29/03
- 3 (G) Physician's Progress Notes dated 10/30/03 (handwritten and typed)
- 4 (H) Physician's Orders dated 10/30/03
- 5 (I) Physician's Progress Notes dated 11/9/03
- 6 (J) Physician's Progress Notes dated 11/10/03 (handwritten and typed)
- 7 (K) Physician's Progress Notes dated 12/15/03
- 8 (L) Urinalysis Results dated 1/9/04
- 9 (M) Physician's Progress Notes dated 1/16/04
- 10 (N) History and Physical Examination dated 2/4/04
- 11 (O) Physician's Progress Notes dated 2/4/04
- 12 (P) Physician's Progress Notes dated 2/7/04 and 2/10/04
- 13 (Q) Physician's Progress Notes dated 5/12/04
- 14 (R) Dr. Lajeunesse Progress Note dated 5/10/04
- 15 (S) Emergency Care Flow Sheet dated 6/14/04
- 16 (T) Emergency Care Flow Sheet dated 6/15/04
- 17 (U) Physician's Orders dated 6/15/04
- 18 (V) Physician's Progress Notes dated 6/15/04
- 19 (W) Dr. Lajeunesse Progress Note dated 6/15/04
- 20 (X) Interdisciplinary Progress Notes dated 6/16/04
- 21 (Y) Physician's Progress Notes dated 7/9/04
- 22 (Z) Dr. Lajeunesse Progress Note dated 7/22/04
- 23 (2A) Physician Request for Services dated 7/22/04
- 24 (2B) Urinalysis Report dated 7/22/04
- 25 (2C) Verbal Order by Dr. Roche dated 7/23/04
- 26 (2D) Inmate/Parolee Appeal Form (602s) dated 11/10/03 through 6/21/04
- 27 (2E) First Level Appeal Response by Dr. Roche dated 1/28/04
- 28 (2F) Second Level Appeal Response by Dr. Sandham dated March 5, 2004

1 (2G) Director's Level Appeal Response by Mr. Grannis dated June 21, 2004

2 (2H-3Z) Excerpts of Magarrell's deposition transcripts as reflected in Defendants' Pretrial  
3 Statement, section 12

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5 DATED: June 21, 2010

STANZLER LAW GROUP LLC

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7 By: /s/ Jeffrey Curtiss  
8 Jeffrey M. Curtiss  
9 Attorneys for Defendant S.M. Roche, M.D.

10 By: /s/ Jeffrey Curtiss on behalf of Kevin Reager  
11 Deputy Attorney General  
12 Attorneys for Defendant Paul Mangis, M.D.

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