

1 Janine S. Simerly (SBN 102361)  
 2 [jss@millerlawgroup.com](mailto:jss@millerlawgroup.com)  
 3 Jennifer Cotner (SBN (SBN 255785))  
 4 [jrc@millerlawgroup.com](mailto:jrc@millerlawgroup.com)

5 **MILLER LAW GROUP**  
 6 A Professional Corporation  
 7 111 Sutter Street, Suite 700  
 8 San Francisco, CA 94104  
 9 Tel.: (415) 464-4300  
 10 Fax: (415) 464-4336

11 Attorneys for Defendant  
 12 UNIVERSITY OF THE PACIFIC

13 Ivo Labar (SBN 203492)  
 14 [labar@kerrwagstaffe.com](mailto:labar@kerrwagstaffe.com)

15 **KERR & WAGSTAFFE LLP**  
 16 100 Spear Street, Suite 1800  
 17 San Francisco, CA 94105-1528  
 18 Tel.: (415) 371-8500  
 19 Fax: (415) 371-0500

20 John Christopher Clune, *Pro Hac Vice*  
 21 [john@victimjustice.com](mailto:john@victimjustice.com)

22 **VICTIM JUSTICE INITIATIVE, PC**  
 23 2363 Blake Street, Suite 203  
 24 Denver, CO 80205  
 25 Tel.: (303) 413-8300  
 26 Fax: (303) 413-8301

27 Attorneys for Plaintiff  
 28 JANE DOE

MILLER LAW GROUP  
 A PROFESSIONAL CORPORATION  
 SAN FRANCISCO, CALIFORNIA

UNITED STATES DISTRICT COURT  
 EASTERN DISTRICT OF CALIFORNIA

21 JANE DOE,  
 22  
 23 Plaintiff,  
 24 v.  
 25 UNIVERSITY OF THE PACIFIC,  
 26  
 27 Defendant.

Case No.: 2:09-CV-00764-FCD-KJM

**STIPULATION REGARDING TIMING OF  
 DISCLOSURE OF PSYCHIATRIC  
 EXPERTS; ORDER**

Complaint filed: March 18, 2009

1           WHEREAS, the Court entered a Pretrial Scheduling Order (the "Order") on  
2 June 8, 2009, setting a deadline of February 12, 2010 to designate the identity of each  
3 expert that the parties propose to tender at trial and disclose his/her written report;

4           WHEREAS, Defendant University of the Pacific contemplates filing a Motion  
5 for Summary Judgment for hearing on or before June 4, 2010, pursuant to the Order;

6           WHEREAS, any of the parties' expert witnesses relating to Plaintiff's mental  
7 condition (*i.e.*, psychiatric experts) would proffer testimony related to Plaintiff's alleged  
8 emotional distress damages only and are, therefore, unrelated to Defendant's anticipated  
9 Motion for Summary Judgment on liability;

10           WHEREAS, the parties would undergo unnecessary costs and expenses by  
11 identifying psychiatric experts before the summary judgment deadline;

12           WHEREAS, good cause exists to extend the time for the parties to identify and  
13 provide psychiatric expert witness reports until after the hearing on summary judgment;

14 ///

15 ///

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED** by and between the Parties, through their respective undersigned attorneys of record, that Plaintiff shall disclose any psychiatric expert witness(es) and his or her report(s) 30 days after the summary judgment hearing, on July 5, 2010, and Defendant shall respond with its rebuttal psychiatric expert witness(es) and report(s) 30 days after that, on August 5, 2010. Any other expert witnesses proffered by the parties shall be disclosed pursuant to the schedule laid out by the Court in the Order.

**IT IS SO STIPULATED.**

Dated: November\_\_\_\_, 2009

MILLER LAW GROUP  
A Professional Corporation

By: /s/\_\_\_\_\_  
JANINE S. SIMERLY  
Attorneys for DEFENDANT  
UNIVERSITY OF THE PACIFIC

Dated: November\_\_\_\_, 2009

KERR & WAGSTAFFE LLP

By: /s/\_\_\_\_\_  
IVO LABAR  
Attorneys for PLAINTIFF  
JANE DOE

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**ORDER**

Having reviewed the Stipulation executed by Plaintiff JANE DOE and Defendant UNIVERSITY OF THE PACIFIC, and good cause appearing, the Court hereby orders the following:

1. Plaintiff shall disclose her psychiatric expert witness(es) and file his or her written report(s) on July 5, 2010; and
2. Defendant shall respond with its rebuttal psychiatric expert witness(es) and report(s) on August 5, 2010; and
3. Any other expert witnesses proffered by the parties shall be disclosed pursuant to the schedule laid out by the Court in the Order.

**IT IS SO ORDERED.**

Dated: November 24, 2009



---

FRANK C. DAMRELL, JR.  
UNITED STATES DISTRICT JUDGE