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8 Attorneys for Defendants
 GENERAL ELECTRIC COMPANY,
 9 GE HEALTHCARE INC., and
 GE HEALTHCARE AS

10 UNITED STATES DISTRICT COURT
 11 EASTERN DISTRICT OF CALIFORNIA

13 CARSON HAMMERSLEY, et al.,
 14 Plaintiffs,
 15 v.
 16 GENERAL ELECTRIC, et al.,
 17 Defendants.

CASE NO. 2:13-cv-0826-TLN-AC

**STIPULATION AND [PROPOSED] ORDER
 REGARDING DEFENDANTS’ MOTION TO
 EXCLUDE ALL EVIDENCE SUPPLIED BY
 DR. SHAWN COWPER DUE TO
 PLAINTIFFS’ FAILURE TO PROPERLY
 DISCLOSE HIM AS THEIR RETAINED
 LITIGATION EXPERT WITNESS**

Date: March 11, 2015
 Time: 10:00 a.m.
 Dept: Courtroom 26
 Judge: Magistrate Allison Claire

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 22 Defendants GENERAL ELECTRIC COMPANY, GE HEALTHCARE INC. (incorrectly
 23 sued as GE Healthcare, Inc.), and GE HEALTHCARE AS (incorrectly sued as GE Healthcare,
 24 AS) (collectively “Defendants”) and Plaintiffs Carson and Amy Hammersley (“Plaintiffs”)
 25 hereby give notice that they have resolved the dispute presented in Defendants’ Motion to
 26 Exclude All Evidence Supplied by Dr. Shawn Cowper Due to Plaintiffs’ Failure to Properly
 27 Disclose Him as Their Retained Litigation Expert Witness. The Parties, through their counsel of
 28

1 record, agree and stipulate as follows:

- 2 1. Plaintiffs withdraw Dr. Shawn Cowper (“Dr. Cowper”) as a witness in this matter.
- 3 2. Dr. Cowper shall not appear at trial, and Plaintiff shall be prohibited from using
- 4 Dr. Cowper’s pathology reports for Carson Hammersley or any other source of Dr.
- 5 Cowper’s case-specific opinions, on a motion, at a hearing, or at trial in this case.
- 6 3. Plaintiffs’ witnesses, including but not limited to fact witnesses, percipient
- 7 witnesses, and retained expert witnesses -- shall be prohibited from relying on Dr.
- 8 Cowper’s pathology reports for Carson Hammersley or any other source of Dr.
- 9 Cowper’s case-specific opinions, for purposes of their opinions, conclusions,
- 10 reports, statements, and testimony in this case.
- 11 4. Notwithstanding the foregoing, Plaintiffs’ experts, including newly identified
- 12 experts, shall not be prohibited from testifying about their own review of
- 13 pathology slides reviewed by and/or stained by Dr. Cowper.
- 14
- 15

16 **IT IS SO STIPULATED.**

17 Dated: March 4, 2015

18 /s/ Todd M. Noonan

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25 *Attorneys for Defendants*
26 *General Electric Company, GE Healthcare Inc.,*
27 *and GE Healthcare AS*

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Dated: March 4, 2015

/s/ David N. Krugler (authorized by email on 3/4/15)
David N. Krugler
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ORDER

Based upon the stipulation of the Parties as set forth herein, the Court ORDERS as follows:

1. The hearing on Defendants’ Motion referenced above and scheduled for March 11, 2015, shall be removed from the Court’s docket.

IT IS SO ORDERED.

Dated: March 5, 2015



ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE