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

9 COLLEEN STEWART,  
10  
11 Plaintiff,

12 v.

13 KEVIN J. CASSIDY,  
14 Defendant

Case No.: 2:14-cv-00326-CKD

**ORDER RESTRUCTURING PRE-TRIAL  
SCHEDULE DUE TO DEATH OF  
ROBERT GILLIS, D.M.D.**

**Assigned to Magistrate Judge:  
Hon. Carolyn K. Delaney**

*Complaint filed: January 31, 2014*

16 \_\_\_\_\_ /  
17 THE COURT, having considered the untimely death of defendant's expert Robert Gillis,  
18 D.M.D. and the stipulation of the parties concerning the death of this expert and its effects on the  
19 upcoming trial, hereby accepts the stipulation, and good cause appearing, hereby renders the  
20 following:

21 IT IS HEREBY ORDERED that:

22 1. Defendant will be allowed to substitute a new expert in the place of Dr. Gillis. Such  
23 new expert will be designated and disclosed as per the Code of Civil Procedure for California, on  
24 or before April 30, 2015. Defendant will produce said expert promptly for immediate deposition.  
25 All parties shall have until, on or before, May 13, 2015 to complete any law and motion matters  
26 regarding the discovery of this new expert.

27 2. As regards the effect of the death on Dr. Gillis on the trial, as Dr. Gillis had performed  
28 an Independent Physical Examination and now cannot attend trial, in order to avoid the need for a

1 new examination, the parties have agreed that the fact that the new expert designated  
2 by defendant did not examine the plaintiff will not be asked by plaintiff for impeachment  
3 purposes. The Court acknowledges that the parties have reserved all rights to request the Court,  
4 at trial, to instruct the jury as to Dr. Gillis' death (or any effects thereof) at trial as needed per the  
5 evidence presented at the trial.

6 3. The pretrial conference is continued to May 27, 2015 at 11:00 a.m. in courtroom no.  
7 24.

8 4. Trial is continued to June 15, 2015 at 9:00 a.m. in courtroom no. 24.

9 Dated: April 14, 2015



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CAROLYN K. DELANEY  
UNITED STATES MAGISTRATE JUDGE