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 13 *California Commission on Peace Officer Standards*  
 & *Training, Edmund Pecinovsky and Anne Johnston*

14 UNITED STATES DISTRICT COURT  
 15 EASTERN DISTRICT OF CALIFORNIA

18 **TAMARA EVANS,**  
 19 Plaintiff,  
 20 v.  
 21 **CALIFORNIA COMMISSION ON PEACE**  
 22 **OFFICER STANDARDS AND TRAINING;**  
 23 **EDMUND PECINOVSKY; ANNE**  
 24 **BREWER and DOES 1-25,**  
 25 Defendants.

2:15-cv-01951-MCE-DB

**STIPULATION AND ORDER TO  
 MODIFY PRETRIAL SCHEDULING  
 ORDER TO PERMIT DEFENDANTS TO  
 DESIGNATE KRISTOFFER HALL AS  
 EXPERT WITNESS ON ECONOMIC  
 DAMAGES DUE TO RETIREMENT OF  
 DEFENDANTS' PREVIOUSLY  
 DESIGNATED EXPERT WITNESS  
 MARGO OGUS**

26 **STIPULATION**

27 Pursuant to Federal Rule of Procedure 16(b)(4) and Local Rules 143 and 144, plaintiff  
 28 Tamara Evans (“plaintiff”) and defendants California Commission on Peace Officer Standards

1 and Training, Edmund Pecinovsky and Anne Johnston (collectively, “defendants”) hereby  
2 stipulate and request the Court to modify the Pretrial Scheduling Order to permit defendants to  
3 designate Kristoffer M. Hall as an expert witness on economic damages in place of defendants’  
4 previously-designated expert witness on that subject, Margo Ogus. Good cause exists to modify  
5 the Pretrial Scheduling Order under Rule 16 for the following reasons.

6 The Court’s most recent scheduling order required the parties to designate expert witnesses  
7 on or before September 27, 2017. *See* Document 69. On October 17, 2017, pursuant to Federal  
8 Rule of Civil Procedure 26(a)(2)(D)(ii), defendants timely filed a Rebuttal Expert Disclosure  
9 designating Margo Ogus to offer expert testimony about plaintiff’s claimed economic losses in  
10 rebuttal to plaintiff’s retained expert witness on that topic. *See* Document 76. Defendants’  
11 disclosure included Dr. Ogus’s written report setting forth the opinions she would offer at trial.  
12 *Id.*

13 In mid-2019, Dr. Ogus advised defendants’ counsel that she was retiring and winding up  
14 her firm, and therefore could not testify at the trial of this matter in May 2020. Defendants have  
15 since retained Kristoffer Hall, who concurs in the opinions expressed in Dr. Ogus’s written report.  
16 Mr. Hall’s trial testimony will express the opinions set forth in that report and he will not offer  
17 any additional or different opinions. Defense counsel has provided plaintiff’s counsel with Mr.  
18 Hall’s curriculum vitae and fee schedule, which are attached hereto as Exhibit A.

19 The parties have made three previous requests to extend discovery deadlines in this case.

20 The parties therefore stipulate and request that the Court order as follows:

21 1. To modify the Pretrial Scheduling Order to permit defendants to designate Kristoffer  
22 Hall as a retained expert witness in place of Margo Ogus to testify about plaintiff’s claimed  
23 economic losses.

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1           2.     To order defendants to file a Supplemental Expert Witness Disclosure designating  
2 Mr. Hall in place of Dr. Ogus within five (5) court days of the Court's entry of the attached  
3 Order.

4 Dated: October 3, 2019

Respectfully submitted,

BROWN POORE LLP

*/s/ Scott A. Brown*

SCOTT A. BROWN

*Attorneys for Plaintiff Tamara Evans*

9 Dated: October 3, 2019

Respectfully submitted,

XAVIER BECERRA

Attorney General of California

ANDREA R. AUSTIN

Supervising Deputy Attorney General

*/s/ Kelcie M. Gosling*

KELCIE M. GOSLING

Deputy Attorney General

*Attorneys for Defendants*

*California Commission on Peace Officer*

*Standards and Training, Edmund*

*Pecinovsky and Anne Johnston*

**ORDER**

IT IS SO ORDERED.

22 Dated: October 10, 2019



MORRISON C. ENGLAND, JR.  
UNITED STATES DISTRICT JUDGE