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**FILED**

**AUG 26 2019**

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY AT  
DEPUTY CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

MANISHA PALLA,	)	Case No. 2:16-cv-02865 JAM-EFB
	)	
Plaintiff,	)	<b><u>PRETRIAL CONFERENCE ORDER</u></b>
	)	
v.	)	
	)	
L M SPORTS, INC. dba LAKESIDE	)	
MARINA and dba ACTION	)	
WATERSPORTS OF TAHOE; L T	)	
LEASING, INC.; PAUL GARCIA; and	)	
DOES 1 through 50, inclusive,	)	
	)	
Defendants.	)	

Pursuant to court order, a Pretrial Conference was held on August 23, 2019 before Judge John Mendez. Roger A. Dreyer and Anthony J. Garilli appeared as counsel for plaintiffs; Ameer Mikacich, Pamela L. Schultz and Alena Eckhardt appeared as counsel for defendant L M Sports, Inc. After hearing, the Court makes the following findings and orders:

**I. JURISDICTION/VENUE**

Jurisdiction is predicated upon 28 U.S.C. §§ 1332 & 1333, and has previously been found to be proper by order of this court, as has venue. Those orders are confirmed.

1 II. JURY/NON-JURY

2 Plaintiff has demanded a jury trial.

3 III. STATEMENT TO BE READ TO JURY

4 At least seven days prior to trial, each party may E-file a  
5 statement of the case that the Court may use in preparing the  
6 statement to be read to the jury at the beginning of jury  
7 selection.

8 IV. UNDISPUTED FACTS

9 None.

10 V. DISPUTED FACTUAL ISSUES

11 **Plaintiff:** Defendant disputes all facts related to  
12 Plaintiff's past and future medical care, as well as Plaintiff's  
13 past and future non-economic damages.

14 **Defendant L M Sports:**

15 1. The amount of Plaintiff's damages, including whether  
16 Plaintiff has demonstrated the reasonableness and necessity of  
17 past and future medical expenses.

18 2. The extent to which Plaintiff can recover psychological  
19 and emotional damages and treatment.

20 3. Whether Plaintiff's work life reduction/work schedule  
21 reduction is recoverable and to what extent.

22 VI. DISPUTED EVIDENTIARY ISSUES

23 **Plaintiff:** Plaintiff challenges the foundation and  
24 methodology of Defendant's experts on prosthetics and present value  
25 of the costs of Plaintiff's future care. Plaintiff will challenge  
26 these experts at trial during their testimony.

27 **L M Sports:** L M Sports asserts that the following evidentiary  
28 issues may be raised by formal motion and/or by request for a

1 Federal Rule of Evidence 104 hearing outside the presence of the  
2 jury:

3 1. Plaintiff should be precluded from proffering testimony  
4 from non-retained (and purported) experts (including Plaintiff's  
5 mother), which non-retained experts were not previously disclosed,  
6 were not designated in accordance with inter alia, the Federal  
7 Rules of Civil Procedure, Federal Rules of Evidence or orders of  
8 this Court and/or are not qualified on the topics on which L M  
9 Sports anticipate they will testify. Further, even if Plaintiff's  
10 non-retained purported experts are permitted to testify, Plaintiff  
11 (as well as any other party to a federal court litigation) is  
12 precluded from introducing testimony except as to treatment  
13 rendered, and therefore, cannot testify as to future medical needs.

14 2. Plaintiff should be precluded from introducing evidence  
15 or testimony relating to issues raised in the March 5, 2019 report  
16 of her rehabilitation expert, Dr. Stephenson, which report was  
17 provided to L M Sports for the first time on August 6, 2019. The  
18 Court ordered Plaintiff to make Dr. Stephenson available for a  
19 deposition at a date and time convenient to L M Sports prior to the  
20 trial date. Plaintiff shall reimburse L M Sports for the cost of  
21 this deposition, including attorneys' fees.

22 3. Testimony from Plaintiff's experts or any other witness  
23 that Plaintiff will suffer future fractures, including those to her  
24 upper extremities and the contralateral leg or need for ORIF (Open  
25 Reduction Internal Fixation) is speculative, without foundation  
26 (including whether they are unqualified to so testify) and contrary  
27 to the most recent medical evidence.

28 4. Plaintiff's rehabilitation expert, Dr. Stephenson is not

1 qualified to diagnose Plaintiff with post-traumatic stress disorder  
2 and depression; Dr. Stephenson's opinion regarding Plaintiff's  
3 future life care plan is speculative and without foundation; Dr.  
4 Stephenson is not qualified to testify as to the reasonableness and  
5 necessity of past medical care provided to Plaintiff, that Dr.  
6 Stephenson's opinion regarding reduced work life expectancy and  
7 reduced work schedule is speculative and lacking in foundation.  
8 Dr. Stephenson's opinions or other testimony relating to PRP  
9 (Platelet-Rich Plasma Therapy) are speculative and not commonly  
10 accepted and cannot be referenced.

11 5. L M Sports asserts that Plaintiff's expert, Carol  
12 Hyland's opinion regarding Plaintiff's future medical expenses is  
13 speculative, lacks foundation and is inadmissible, including  
14 whether Plaintiff can introduce evidence of future medical expenses  
15 at uninsured rates, since those rates do not reflect the reasonable  
16 market rate for expenses and Plaintiff is not expected to incur  
17 those expenses. Without any distinction between the amount charged  
18 and billed and the amount accepted as payment in full from the  
19 insurer, the opinions on future medical care costs in Plaintiff's  
20 life care plan are unreliable. Furthermore, because Plaintiff's  
21 economist in turn offers opinions on the total present value based  
22 on the future medical expenses at uninsured rates, those opinions  
23 are based upon the life care planner flawed analysis and thus  
24 should be excluded.

25 6. Plaintiff may not offer testimony regarding her purported  
26 PTSD, depression and need for therapy, counseling or similar  
27 sessions given, inter alia, the lack of competence of lay witnesses  
28 to testify on these facts, Plaintiff's failure to disclose these

1 sessions in discovery despite being requested to do so and  
2 Plaintiff's sporadic need for these sessions.

3 7. Plaintiff's economist Robert Johnson was not disclosed  
4 and is not qualified to testify as a financial planner/investment  
5 advisor and therefore, cannot testify as to what investments  
6 Plaintiff must or should make. Mr. Johnson also cannot rebut any  
7 opinions of L M Sports' economist because at his deposition Mr.  
8 Johnson testified that he did not have the information he needed to  
9 rebut her opinion. Further, Mr. Johnson cannot testify as to the  
10 alleged appropriateness of the life care plan.

11 8. Whether Plaintiff has admissible evidence to support her  
12 claims for past medical expenses, including but not limited to  
13 whether those expenses are reasonable and necessary. Ninth Circuit  
14 Model Jury Instruction 7.1; *Sanchez v. U.S.*, 803 F. Supp.2d 1066  
15 (C.D. Cal. 2011); *Corenbaum v. Lampkin*, 215 Cal. App. 4th 1308  
16 (2013); *Neiberger v. FedEx Ground Package Sys., Inc.*, 566 F.3d  
17 1184, 1193 (10th Cir. 2009); *Collins v. D.J. Kibort*, 143 F.3d 331,  
18 337-39 (7th Cir. 1998); *Bulthuis v. Rexall Corp.*, 789 F.2d 1315,  
19 1316 (9th Cir. 1985).

20 9. Whether Plaintiff can offer evidence of certain damages  
21 based on her failure to properly disclose those damages as required  
22 by the Federal Rules of Civil Procedure and other lack of  
23 categorization.

#### 24 VII. RELIEF SOUGHT

25 **Plaintiff:** Plaintiff Manisha Palla seeks her past and future  
26 economic and non-economic damages.

27 **L M Sports:** Not applicable.

28 ///

1 VIII. POINTS OF LAW

2 Trial briefs may be E-filed with the court no later than  
3 September 16, 2019. Any points of law not previously argued to the  
4 Court should be briefed in the trial briefs.

5 IX. ABANDONED ISSUES

6 The parties are not aware of any abandoned issues in this  
7 case.

8 X. WITNESSES

9 Plaintiff's witness list is attached to this Pretrial  
10 Conference Order as Exhibit A.

11 L M Sports' witness list is attached to this Pretrial  
12 Conference Order as Exhibit B.

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

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

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

18 (2) The witness was discovered after the Pretrial  
19 Conference and the proffering party makes the showing required in  
20 "B" below.

21 B. Upon the post-Pretrial discovery of witnesses, the  
22 attorney shall promptly inform the court and opposing parties of  
23 the existence of the unlisted witnesses so that the court may  
24 consider at trial whether the witnesses shall be permitted to  
25 testify. The evidence will not be permitted unless:

26 (1) The witnesses could not reasonably have been  
27 discovered prior to Pretrial;

28 (2) The court and opposing counsel were promptly

1 notified upon discovery of the witnesses;

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

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

6 XI. EXHIBITS, SCHEDULES AND SUMMARIES

7 Plaintiff's exhibit list is attached to this Pretrial  
8 Conference Order as Exhibit C.

9 L M Sports' exhibit list is attached to this Pretrial  
10 Conference Order as Exhibit D. L M Sports may use numbers for its  
11 exhibits rather than letters, beginning with the number 100.

12 Any deposition exhibits used at trial should be identified by  
13 trial exhibit number (not deposition exhibit letter or number).

14 Each party may use an exhibit designated by the other.

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

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

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

23 B. Upon the post-Pretrial discovery of exhibits, the  
24 attorneys shall promptly inform the court and opposing counsel of  
25 the existence of such exhibits so that the court may consider at  
26 trial their admissibility. The exhibits will not be received  
27 unless the proffering party demonstrates:

28 (1) The exhibits could not reasonably have been

1 discovered prior to Pretrial;

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

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

9 As to each exhibit, each party is ordered to exchange copies  
10 of the exhibit not later than fourteen (14) days before trial.  
11 Each party is then granted five (5) days to file and serve  
12 objections to any of the exhibits. In making the objection, the  
13 party is to set forth the grounds for the objection. The parties  
14 shall pre-mark their respective exhibits in accord with the Court's  
15 Pretrial Order. Exhibit stickers may be obtained through the  
16 Clerk's Office. An original and one (1) copy of the exhibits shall  
17 be presented to Harry Vine, Deputy Courtroom Clerk, at 8:30 a.m. on  
18 the date set for trial or at such earlier time as may be agreed  
19 upon. Mr. Vine can be contacted at (916) 930-4091 or via e-mail  
20 at: [hvine@caed.uscourts.gov](mailto:hvine@caed.uscourts.gov). As to each exhibit which is not  
21 objected to, it shall be marked and may be received into evidence  
22 on motion and will require no further foundation. Each exhibit  
23 which is objected to will be marked for identification only.

24 XII. DISCOVERY DOCUMENTS

25 **Plaintiff:**

26 Plaintiff's list of answers to interrogatories, responses to  
27 requests for admissions, and depositions:

28 1. Videotaped Deposition of Alvaro Gilsanz Herranz.



- 1           2.    Videotaped Deposition of Benoit Gautier.
- 2           3.    Videotaped Deposition of Christa Wolf.
- 3           4.    Videotaped Deposition of Efe Ozyurt.
- 4           5.    Videotaped Deposition of Elena Legramanti.
- 5           6.    Videotaped Deposition of Erlinda Lesi.
- 6           7.    Videotaped Deposition of Third-Party Defendant Evan
- 7 Botwin.
- 8           8.    Videotaped Deposition of Frances Copeland.
- 9           9.    Videotaped Deposition of Mathan Foss.
- 10          10.   Videotaped Deposition of Third-Party Defendant Nicholas
- 11 Carscadden.
- 12          11.   Videotaped Deposition of Defendant Paul Garcia.
- 13          12.   Videotaped Deposition of former Third-Party Defendant
- 14 Regan Roberts.
- 15          13.   Videotaped Deposition of Third-Party Defendant Sean
- 16 O' Dea.
- 17          14.   Videotaped Depositions of L M Sports' expert witnesses.
- 18          15.   Deposition of El Dorado County Sheriff's Lieutenant
- 19 Leslie Lovell.
- 20          16.   Answer of LM Sports, Inc. and LT Leasing, Inc. to First
- 21 Amended Complaint for Damages (Dkt. 132).
- 22          Plaintiff objects to a number of L M Sports' requested
- 23 discovery documents as they appear to have no relevance to this
- 24 phase of the trial.
- 25          **L M Sports:**
- 26          **Depositions**
- 27          1.    Videotaped Deposition of Alvaro Gilsanz Herranz.
- 28          2.    Videotaped Deposition of Benoit Gautier.

- 1           3.    Videotaped Deposition of Christa Wolf.
- 2           4.    Videotaped Deposition of Efe Ozyurt.
- 3           5.    Videotaped Deposition of Elena Legramanti.
- 4           6.    Videotaped Deposition of Erlinda Lesi.
- 5           7.    Videotaped Deposition of Third-Party Defendant EVAN
- 6 BOTWIN.
- 7           8.    Videotaped Deposition of Frances Copeland.
- 8           9.    Videotaped Deposition of Mathan Foss.
- 9           10.   Videotaped Deposition of Third-Party Defendant NICHOLAS
- 10 CARSCADDEN.
- 11          11.   Videotaped Deposition of Defendant PAUL GARCIA.
- 12          12.   Videotaped Deposition of former Third-Party Defendant
- 13 REGAN ROBERTS.
- 14          13.   Videotaped Deposition of Third-Party Defendant SEAN
- 15 O'DEA.
- 16          14.   Videotaped Deposition of El Dorado County Sheriff's
- 17 Lieutenant Leslie Lovell.
- 18          15.   Videotaped Deposition of Douglas County Sheriff's Deputy
- 19 Ronald Skibinski.
- 20          16.   Videotaped Depositions of Plaintiff's experts.
- 21          17.   Videotaped Depositions of any witnesses who were deposed
- 22 but do not testify at trial.

23           **Discovery Documents**

- 24          1.    Defendant Paul Garcia's Responses to L M Sports, Inc.'s
- 25 Requests for Admission, Set One.
- 26          2.    Defendant Paul Garcia's Responses to L M Sports, Inc.'s
- 27 Responses to Interrogatories, Set One.
- 28          3.    Defendant Paul Garcia's Responses to L M Sports, Inc.'s

1 to Requests for Production of Documents, Set One.

2 4. Plaintiff's Responses to L M Sports, Inc.'s  
3 Interrogatories, Set One.

4 5. Plaintiff's Supplemental Responses to LM Sports, Inc.'s  
5 Interrogatories, Set One.

6 6. Plaintiff's Responses to Request for Production of  
7 Documents, Set One, including attachments thereto.

8 7. Plaintiff's Responses to Request for Production of  
9 Documents, Set Two, including attachments thereto.

10 8. Third Party Defendant Regan Roberts' Responses to LM  
11 Sports, Inc.'s Requests for Admission of Facts and Genuineness of  
12 Documents, Set One.

13 9. Third Party Defendant Regan Roberts' Responses to L M  
14 Sports, Inc.'s Interrogatories, Set One.

15 10. Third Party Defendant Nicholas Carscadden's Responses to  
16 L M Sports, Inc.'s Requests for Admission of Facts and Genuineness  
17 of Documents, Set One.

18 11. Third Party Defendant Nicholas Carscadden's Responses to  
19 L M Sports, Inc.'s Interrogatories, Set One.

20 12. Third Party Defendant Sean O'Dea's Responses to L M  
21 Sports, Inc.'s, Requests for Admission, Set One.

22 13. Third Party Defendant Sean O'Dea's Responses to L M  
23 Sports, Inc.'s, Interrogatories, Set One.

24 XIII. FURTHER DISCOVERY OR MOTIONS

25 Pursuant to the court's Status Conference Order, all discovery  
26 and law and motion was to have been conducted so as to be completed  
27 as of the date of the Pretrial Conference. That order is  
28 confirmed. The parties are free to do anything they desire

1 pursuant to informal agreement. However, any such agreement will  
2 not be enforceable in this court.

3 XIV. STIPULATIONS

4 The parties have stipulated that Plaintiff will not be  
5 required to call the numerous custodians of records required to  
6 authenticate Plaintiff's past medical bills.

7 Additionally, the parties stipulate to the following:

8 a. No party, attorney or witness will refer to Plaintiff's  
9 expert Drew Hittenberger's personal health history or treatment of  
10 amputee dogs.

11 b. No party, attorney or witness will refer to any of their  
12 family members, their family members' professions, hobbies or  
13 personal health.

14 c. Plaintiff is not seeking to recover for past and future  
15 loss of earnings/income.

16 d. Plaintiff is not seeking to recover for a childcare/nanny  
17 expense for future children.

18 e. Plaintiff's life expectancy is 82.

19 XV. AMENDMENTS/DISMISSALS

20 None.

21 XVI. FURTHER TRIAL PREPARATION

22 A. Counsel are directed to Local Rule 285 regarding the  
23 contents of trial briefs. Such briefs may be E-filed on or before  
24 September 16, 2019.

25 B. Counsel are further directed to confer and to attempt to  
26 agree upon a joint set of jury instructions. The joint set of  
27 instructions shall be lodged via ECF with the court clerk on or  
28 before September 16, 2019, and shall be identified as the "Jury

1 Instructions Without Objection." As to instructions as to which  
2 there is dispute the parties shall submit the instruction(s) via  
3 ECF as its package of proposed jury instructions also on or before  
4 September 20, 2019. This package of proposed instructions should  
5 not include the "Jury Instructions Without Objection" and should be  
6 clearly identified as "Disputed Jury Instructions" on the proposed  
7 instructions.

8 The parties shall e-mail a set of all proposed jury  
9 instructions in word format to the Court's Judicial Assistant, Jane  
10 Klingelhoets, at: [jklingelhoets@caed.uscourts.gov](mailto:jklingelhoets@caed.uscourts.gov).

11 C. It is the duty of counsel to ensure that a hard copy of  
12 any deposition which is to be used at trial has been lodged with  
13 the Clerk of the Court pursuant to Local Rule 133(j). The  
14 depositions shall be lodged with the court clerk no later than  
15 September 16, 2019. Counsel are cautioned that a failure to  
16 discharge this duty may result in the court precluding use of the  
17 deposition or imposition of such other sanctions as the court deems  
18 appropriate.

19 D. The parties are ordered to E-file with the court and  
20 exchange between themselves no later than September 16, 2019, a  
21 statement designating portions of depositions intended to be  
22 offered or read into evidence (except for portions to be used only  
23 for impeachment or rebuttal).

24 E. The parties are ordered to E-file with the court and  
25 exchange between themselves no later than September 16, 2019, the  
26 portions of Answers to Interrogatories and/or Requests for  
27 Admission which the respective parties intend to offer or read into  
28 evidence at the trial (except portions to be used only for

1 impeachment or rebuttal).

2 F. Each party may submit proposed voir dire questions the  
3 party would like the court to put to prospective jurors during jury  
4 selection. Proposed voir dire should be submitted via ECF no later  
5 than September 16, 2019. Plaintiff's request to conduct attorney  
6 voir dire is denied.

7 G. Each party may submit a proposed verdict form that the  
8 party would like the Court to use in this case. Proposed verdict  
9 forms should be submitted via ECF no later than September 16, 2019.

10 H. In limine motions shall be E-filed separately on or  
11 before September 13, 2019. Opposition briefs shall be E-filed on  
12 or before September 18, 2019. No reply briefs may be filed.

13 XVII. SETTLEMENT NEGOTIATIONS

14 No further formal Settlement Conference will be set in this  
15 case at this time.

16 XVIII. AGREED STATEMENTS

17 See paragraph III, *supra*.

18 XIX. SEPARATE TRIAL OF ISSUES

19 This is a trial on the issue of damages only.

20 L M Sports and Third Party Defendants O'Dea, Carscadden and  
21 Botwin previously agreed that the claims between them were to be  
22 severed from the claims between Plaintiff and L M Sports and LT  
23 Leasing, Inc., and this Court granted the request. [Dkts. 170].  
24 That order remains in place.

25 XX. IMPARTIAL EXPERTS/LIMITATION OF EXPERTS

26 None.

27 XXI. ATTORNEYS' FEES

28 The matter of the award of attorneys' fees to prevailing

1 parties pursuant to statute will be handled by motion in accordance  
2 with Local Rule 293.

3 XXII. MISCELLANEOUS

4 None.

5 XXIII. ESTIMATE OF TRIAL TIME/TRIAL DATE

6 The parties estimate five (5) to seven (7) court days for  
7 trial. Trial will commence on or about September 23, 2019 at 9:00  
8 a.m.

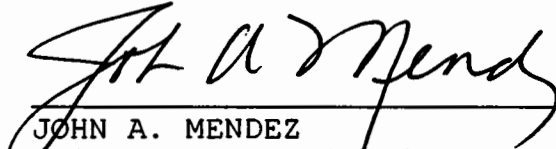
9 Counsel are to call Harry Vine, Courtroom Deputy, at  
10 (916) 930-4091, one week prior to trial to ascertain the status of  
11 the trial date.

12 XXIV. OBJECTIONS TO PRETRIAL ORDER

13 Each party is granted seven (7) days from the date of this  
14 Pretrial Order to object or respond to it via ECF.

15 IT IS SO ORDERED.

16 DATED: August 26, 2019

17   
18 \_\_\_\_\_  
19 JOHN A. MENDEZ  
20 United States District Judge  
21  
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**EXHIBIT A**



1 ROGER A. DREYER, ESQ. / SBN: 095462  
2 ANTHONY J. GARILLI, ESQ. / SBN: 280886  
3 **DREYER BABICH BUCCOLA WOOD CAMPORA, LLP**  
4 20 Bicentennial Circle  
5 Sacramento, CA 95826  
6 Telephone: (916) 379-3500  
7 Facsimile: (916) 379-3599

8 *Attorneys for Plaintiff*

9 UNITED STATES DISTRICT COURT  
10 EASTERN DISTRICT OF CALIFORNIA

11 MANISHA PALLA,

12 Plaintiff,

13 v.

14 L M SPORTS, INC. dba LAKESIDE  
15 MARINA and dba ACTION  
16 WATERSPORTS OF TAHOE; L T  
17 LEASING, INC.; PAUL GARCIA; and  
18 DOES 1 through 50, inclusive,

19 Defendants.

20 IN THE MATTER OF THE COMPLAINT  
21 OF LT LEASING, INC.; LM SPORTS, INC.  
22 dba LAKESIDE MARINA and dba ACTION  
23 WATERSPORTS AT LAKE TAHOE and  
24 dba ACTION WATERSPORTS; TAMARA  
25 HASSETT, individually; and ROBERT  
26 HASSETT, individually.

27 LT LEASING, INC.; LM SPORTS, INC. dba  
28 LAKESIDE MARINA and dba ACTION  
WATERSPORTS and dba ACTION  
WATERSPORTS OF LAKE TAHOE and  
dba ACTION WATERSPORTS AT LAKE  
TAHOE; TAMARA HASSETT,  
individually; and ROBERT HASSETT,  
individually,

Cross-Claimants,

v.

PAUL GARCIA,

Cross-Defendant.

Case No.: 2:16-CV-02865-JAM-EFB

**PLAINTIFF'S WITNESS LIST**

**Exhibit A**

Trial Date: February 25, 2019

Time: 9:00 a.m.

Department: Courtroom 6

Judge: Hon. John A. Mendez

Complaint Filed: December 5, 2016

1 Plaintiff's Proposed Witnesses:

- 2
- 3 1. Alvaro Gilsanz Herranz  
Calle Leonardo Torres Quevedo, 82 Alcala de Henares, 288806, Madrid, Spain
- 4
- 5 2. Benoit Gautier  
11 Rue Saint Yves Paris, France 75014
- 6
- 7 3. Carol Hyland  
4120 Canyon Road, Lafayette, CA 94549
- 8
- 9 4. Christa Wolf  
Schweidl Gasse 4612, 1020 Vienna, Austria
- 10
- 11 5. Christopher Stephenson, M.D.  
5340 Elvas Avenue, Suite 300, Sacramento, CA 95819
- 12
- 13 6. Drew Hittenberger  
181 Lynch Creek Way, Ste. 101, Petaluma, CA 94954
- 14
- 15 7. Efe Ozyurt  
Sacaci Sokak Baytur, Kozyurtlari, Konutlari Fblok Daire 25, Kadikoy/Instanbul
- 16
- 17 8. Elena Legramanti  
Via Pierino Baffi, Vaeilate, Italy 26019 Cremona
- 18
- 19 9. Erlinda Lesi  
Via Reselle 16, 40139, Bologna, Italy
- 20
- 21 10. Evan Botwin  
3810 Mechanicsville Road, Philadelphia, PA 19154
- 22
- 23 11. Frances Copeland  
220 W. Illinois St., Apt. 1006, Chicago, IL 60654
- 24
- 25 12. Jackie Alamo  
445 S. Figueroa St., Ste. 3700, Los Angeles, CA 90071
- 26
- 27 13. Joseph Uccelli, M.D.  
Western Surgical Group  
75 Pringle Way, Suite 1002, Reno, NV 89502
- 28
14. Les Lovell  
300 Fair Lane, Placerville, CA 95667

- 1 15. Manisha Palla  
3548 North Bosworth Ave., Chicago, IL 60657
- 2
- 3 16. Mariah Koeltl  
311 W. Illinois St., Apt. 705, Chicago, IL 60654
- 4
- 5 17. Nicholas Carscadden  
Brook Barn, Popular Grove Farm, Broad Street, Green Road, Great Totham CM98NX  
6 (U.K.)
- 7 18. Paul Garcia  
13 Rue Verniquet, 75017, Paris, France
- 8
- 9 19. Regan Roberts  
515 Delaware Avenue, Virginia Beach, VA 23451
- 10
- 11 20. Rick Chavez  
29558 Woodbrook Dr., Agoura Hills, CA 91301
- 12
- 13 21. Robert Hassett  
Contact through Counsel, Pamela Schultz, Hinshaw & Culbertson LLP  
14 1 California St., Ste. 1800, San Francisco, CA 94111
- 15 22. Robert Johnson  
4984 El Camino Real, Suite 210, Los Altos, CA 94022
- 16
- 17 23. Samuel Bartholomew, M.D.  
The Oregon Clinic PC.  
18 5050 NE Hoyt, Ste 221. Portland, OR 97225
- 19 24. Scott Whitlow, M.D.  
Reno Orthopedic  
20 555 N Arlington Ave, Reno, NV 89503
- 21
- 22 25. Sean O'Dea  
44441 Purves Street, Long Island City, NY 11101
- 23
- 24 26. Suvarna Palla  
13460 SW Sandridge Drive, Tigard, OR 97223
- 25
- 26 27. Suzy Kim, M.D.  
638 Camino de los Mares, Ste. H130, #105, San Clemente, CA 92673
- 27 ///
- 28 ///

***Custodian for Billing Records:***

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- 28. Aetna Health Insurance  
151 Farmington Ave, Hartford, CT 06156
- 29. CALSTAR: California Shock Trauma Air Re.  
4933 Bailey Loop, McClellan, CA 95652
- 30. Community Care Services, LLC  
11551 Street, Reno, NV 89502
- 31. El Dorado County Ambulance  
415 Placerville Dr., Ste. M, Placerville, CA 95667
- 32. Pacific Medical  
961 Mately Ln. Ste. 160, Reno, NV 89502
- 33. Private Fly  
1100 Lee Wagner Blvd., Fort Lauderdale, FL 33315
- 34. Renown Regional Med. Center  
Facility and Physician billing  
1155 Mill Street, Reno, NV 89502
- 35. Reno Radiological Associates  
5250 Neil Rd., Reno, NV 89502

**EXHIBIT B**

**EXHIBIT B**

**LM SPORTS' WITNESS LIST FOR PHASE II OF TRIAL**

1. Jackie Alamo, M.A. (expert witness)  
Director, VWM Analytics, LLC  
445 S. Figueroa St.  
Ste 3700  
Los Angeles, CA 90071
  
2. Rick Chavez, CPO (expert witness)  
29558 Woodbrook Dr.  
Agoura Hills, CA 91301
  
3. Suzy Kim, M.D. (expert witness)  
Spinal Cord Injury Medicine  
638 Camino de los Mares, Suite H130, #105  
San Clemente, CA 92673
  
4. Deputy Leslie Lovell (non-retained expert witness)  
c/o El Dorado County Sheriff's Office  
1360 Johnson Blvd., Suite 100  
South Lake Tahoe, NV 96150  
By deposition if does not appear for trial
  
5. Evan Botwin  
3810 Mechanicsville Road  
Philadelphia, PA 19154  
By deposition if does not appear for trial
  
6. Paul Garcia  
37 Rue des Dames  
75017 Paris  
France  
0033-614-956-831  
By deposition if does not appear for trial
  
7. Regan Roberts  
515 Delaware Avenue  
Virginia Beach, VA 23451  
By deposition if does not appear for trial
  
8. Nick Carscadden  
Brook Barn

Poplar Grove Farm  
Broad Street Green Road  
Great Totham CM9 8NX  
England  
By deposition if does not appear for trial

9. Sean O'Dea  
4441 Purves Street  
Long Island City, NY 11101  
By deposition if does not appear for trial

10. Efe Ozyurt  
Sacaci Sokak Baytur  
Kozyatagi Konutlari  
Fblok Daire 25  
Kadikoy/Istanbul  
Turkey  
By deposition if does not appear for trial

11. Frances Copeland  
2617 North Wilton Ave.  
Apt. 2-F  
Chicago, IL 60614  
By deposition if does not appear for trial

12. Erlinda Lesi  
Via Reselle 16  
40139 Bologna (BO)  
Italy  
By deposition if does not appear for trial

13. Elena Legramanti  
Via Piereno Baffi  
26019 Vailate (CR)  
Italy  
By deposition if does not appear for trial

14. Benoit Gautier  
11 Rue Saint Yves  
Paris 75014  
France  
By deposition if does not appear for trial

15. Alvaro Gilsanz-Herranz  
Calle Leonardo Torres Quevado, 82  
Alcalá de Henares  
28806 Madrid

Spain

By deposition if does not appear for trial

16. Christa Wolf

Schweidl Gasse 46/1/2

1020 Vienna

Austria

By deposition if does not appear for trial

17. Manisha Palla

3548 North Bosworth Ave.

Chicago, IL 60657

18. Mathan Foss

1104 Tata Ln.

South Lake Tahoe, NV 96150

By deposition if does not appear for trial

19. Deputy Ronald Skibinski

c/o Douglas County Sheriff's Office

1038 Buckeye Road

Minden, NV 89423

By deposition if does not appear for trial

20. Dan Meeks

4053 Greenwood Rd

South Lake Tahoe, CA 96150

21. Joel Baker

1040 Martin Ave #18

South Lake Tahoe, CA 96150

22. Deputy Aaron Crawford

Douglas County Sheriff's Dept.

1038 Buckeye Road

Minden, NV 89423

23. Deputy Joe Sherry (H1714)

El Dorado County Sheriff's Office

300 Fair Lane

Placerville, CA 95667

24. John D'Agostini, Sheriff-Coroner, Public Administrator (or other records custodian)

El Dorado County Sheriff's Office

300 Fair Lane

Placerville, CA 95667



**25. Serena Wilke, Sheriff Records Supervisor (or other records custodian)  
El Dorado County Sheriff's Office  
300 Fair Lane  
Placerville, CA 95667**

**This witness list does not include witnesses who may be necessary for impeachment and/or rebuttal or as necessary to respond to any untimely designated witnesses offered by Plaintiff.**

**EXHIBIT C**

**EXHIBIT C**  
**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA – SACRAMENTO DIVISION**  
**PLAINTIFF’S DAMAGES TRIAL EXHIBIT LIST**

**PALLA v. L M SPORTS, INC. dba LAKESIDE MARINA, et. al.**  
**Case No.: 2:16-CV-02865-JAM-EFB**

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X 007	Robert Hasset notes, after meeting Manisha's father		
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014	Posterior thigh necrosis, healing after surgical procedure (October 216)		
015	Skin graft: donor site from left thigh (October 2016)		
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002	Riding camel, Morocco (2012)		
003	Sitting in restaurant, Morocco (2012)		
004	Sitting in path, India (2013)		
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010	Girls at waterfront (Europe 2016)		
011	Posing with statue (Europe 2016)		
012	Manisha with friends (Barcelona 2016)		
<b>14.</b>	<b>Photographs of Activities prior to July 24, 2016</b>		
001	Climbing on fence with horses		
002	Advertisement, Manisha jumping		
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006	Taekwondo, breaking board with kick		
007	Running on bridge in Europe (2016)		
008	Sky diving, group photo		
<b>15.</b>	<b>Videos of Activities</b>		
001	Dance and basketball (2007)		

16.	Photographs of Manisha Prior to July 24, 2016 Incident		
001	Graduation from Emory University (May 2016)		
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003	High school homecoming		
004	High school Prom Queen		
005	Standing with friends, Manisha's apartment, Chicago (2015)		
006	Article in Cosmopolitan Magazine		
007	Graduation day, Emory University, on stairs		
008	Standing under Emory University sign, graduation day		
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012	Group of girls - La Bella Vita		
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006	Sitting on exam table		
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011	Bending prosthetic knee, laying down		
012	Prosthetic bending knee joint		
013	Legs extended		
014	Sitting with legs extended		
015	Prosthetic foot and ankle joint		
016	Close-up of prosthetic ankle joint		
017	Prosthetic foot and ankle joint, posterior view		
018	Prosthetic knee joint extended		
019	Prosthetic		
020	Prosthetic (2)		
021	Prosthetic (3)		
022	Prosthetic (4)		
023	Right leg with prosthetic socket		
024	Right leg with prosthetic socket (2)		
18.	Photographs of Manisha After July 24, 2016 Incident		
001	Sitting with prosthetic leg (January 2017)		
002	Standing on prosthetic leg (front view)		
003	Standing on prosthetic leg (rear view)		
004	Carrying groceries		
005	Walking down set of stairs (video, 8 seconds)		
006	Walking up set of stairs (video, 5 seconds)		
007	Position of prosthetic while driving		
008	Getting in car (video, 9 seconds)		
009	Using public transportation		
010	Exercising		
19.	Videos: A Day in the Life of Manisha Palla		
001	Day in Manisha's life		
20.	Medical Expenses		
001	Medical Expense Summary (Total Charges)		
002	Medical Expense Summary (Total Paid & Outstanding)		

21.		Radiology Imaging		
	001	X-Ray: right knee prior to amputation surgery, Renown Medical Center (7/24/2016)		
	002	Radiology report of X-ray of right knee		
	003	X-Ray: left leg, Renown Medical Center (7/24/2016)		
	004	Radiology report of X-ray of left leg		
22.		Alison Osinski		
	X 001	CV		
	X 002	Boating Licenses & Certificates		
	X 003	Final Report (3/30/2018)		
	X 004	Supplemental Report (11/20/2018)		
	X 005	California recreational boating accident statistics (2015)		
	X 006	Northern California recreational boating accident general statistics (2015)		
	X 007	California recreational boating accident statistics (2016)		
	X 008	Northern California recreational boating accident general statistics (2016)		
	X 009	Alison Osinski Deposition exhibit 7		
	X 010	Alison Osinski Deposition exhibit 8		
	X 011	Alison Osinski Deposition exhibit 9		
	X 012	Alison Osinski Deposition exhibit 10		
	X 013	Four Winns sport boat owner's manual		
23.		Bill Kitzes, J.D.		
	X 001	CV		
	X 002	Tahoe Jet Boats Safety (5/7/2018)		
	X 003	Bill Kitzes Deposition exhibit 12		
	X 004	Bill Kitzes Deposition exhibit 17		
	X 005	Bill Kitzes Deposition exhibit 21		
	X 006	Bill Kitzes Deposition exhibit 22		
	X 007	Bill Kitzes Deposition exhibit 23		
	X 008	Bill Kitzes Deposition exhibit 24		
	X 009	Bill Kitzes Deposition exhibit 25		
	X 010	Bill Kitzes Deposition exhibit 26		
	X 011	Final Report (4/6/2018)		
24.		Drew Hittenberger, C.P., BOCO		
	001	CV		
	002	Final Report		
	003	Walking prosthesis cost		
	004	Walking prosthesis socket cost		
	005	Sports prosthesis cost		
	006	Sports prosthesis socket cost		
	007	Water prosthesis cost		
	008	Water prosthesis socket cost		
	009	Back-up prosthesis cost		
	010	Foot orthosis cost		
	011	Active phase (age 22 - 45)		
	012	Moderately active phase (age 46 - 65)		
	013	Less active phase (age 66 - 90)		
	014	Total prosthetic costs		
	015	Questionnaire		
25.		Topher Stephenson		
	001	CV		
	002	Life tables		
	003	Final Report		

	004	Supplemental Report		
	005	Electronic/Drawing demonstrative anatomical exhibit		
26.		Carol Hyland, M.A., M.S., C.L.C.P., C.D.M.S.		
	001	CV		
	002	Life Care Plan (3/2018)		
	003	Summary (3/2018)		
	004	Revised Life Care Plan (4/2018)		
	005	Revised Summary (4/2018)		
27.		Robert Johnson		
	001	CV		
	002	CV (James Mills)		
	003	Robert Johnson Deposition exhibit 7		
	004	Robert Johnson Deposition exhibit 8		
	005	Final Report		
28.		U.S. Coastguard Materials		
	X 001	Pamphlet: the danger of boat propeller strikes		
	X 002	Training package		
	X 003	Pamphlet: vessel checklist		
29.		Department of Boating Safety Documents		
	X 001	Safety: a course for safe boating		
	X 002	Boat safety pamphlet		
	X 003	California boating accident report form		
	X 004	California boating laws, fact sheet		
	X 005	Reporting a boating accident		



**EXHIBIT C**  
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19.	Videos: A Day in the Life of Manisha Palla		
001	Day in Manisha's life		
20.	Medical Expenses		
001	Medical Expense Summary (Total Charges)		
002	Medical Expense Summary (Total Paid & Outstanding)		

21.		Radiology Imaging		
	001	X-Ray: right knee prior to amputation surgery, Renown Medical Center (7/24/2016)		
	002	Radiology report of X-ray of right knee		
	003	X-Ray: left leg, Renown Medical Center (7/24/2016)		
	004	Radiology report of X-ray of left leg		
22.		Alison Osinski		
	X 001	CV		
	X 002	Boating Licenses & Certificates		
	X 003	Final Report (3/30/2018)		
	X 004	Supplemental Report (11/20/2018)		
	X 005	California recreational boating accident statistics (2015)		
	X 006	Northern California recreational boating accident general statistics (2015)		
	X 007	California recreational boating accident statistics (2016)		
	X 008	Northern California recreational boating accident general statistics (2016)		
	X 009	Alison Osinski Deposition exhibit 7		
	X 010	Alison Osinski Deposition exhibit 8		
	X 011	Alison Osinski Deposition exhibit 9		
	X 012	Alison Osinski Deposition exhibit 10		
	X 013	Four Winns sport boat owner's manual		
23.		Bill Kitzes, J.D.		
	X 001	CV		
	X 002	Tahoe Jet Boats Safety (5/7/2018)		
	X 003	Bill Kitzes Deposition exhibit 12		
	X 004	Bill Kitzes Deposition exhibit 17		
	X 005	Bill Kitzes Deposition exhibit 21		
	X 006	Bill Kitzes Deposition exhibit 22		
	X 007	Bill Kitzes Deposition exhibit 23		
	X 008	Bill Kitzes Deposition exhibit 24		
	X 009	Bill Kitzes Deposition exhibit 25		
	X 010	Bill Kitzes Deposition exhibit 26		
	X 011	Final Report (4/6/2018)		
24.		Drew Hittenberger, C.P., BOCO		
	001	CV		
	002	Final Report		
	003	Walking prosthesis cost		
	004	Walking prosthesis socket cost		
	005	Sports prosthesis cost		
	006	Sports prosthesis socket cost		
	007	Water prosthesis cost		
	008	Water prosthesis socket cost		
	009	Back-up prosthesis cost		
	010	Foot orthosis cost		
	011	Active phase (age 22 - 45)		
	012	Moderately active phase (age 46 - 65)		
	013	Less active phase (age 66 - 90)		
	014	Total prosthetic costs		
	015	Questionnaire		
25.		Topher Stephenson		
	001	CV		
	002	Life tables		
	003	Final Report		

	004	Supplemental Report		
	005	Electronic/Drawing demonstrative anatomical exhibit		
26.		Carol Hyland, M.A., M.S., C.L.C.P., C.D.M.S.		
	001	CV		
	002	Life Care Plan (3/2018)		
	003	Summary (3/2018)		
	004	Revised Life Care Plan (4/2018)		
	005	Revised Summary (4/2018)		
27.		Robert Johnson		
	001	CV		
	002	CV (James Mills)		
	003	Robert Johnson Deposition exhibit 7		
	004	Robert Johnson Deposition exhibit 8		
	005	Final Report		
28.		U.S. Coastguard Materials		
	X 001	Pamphlet: the danger of boat propeller strikes		
	X 002	Training package		
	X 003	Pamphlet: vessel checklist		
29.		Department of Boating Safety Documents		
	X 001	Safety: a course for safe boating		
	X 002	Boat safety pamphlet		
	X 003	California boating accident report form		
	X 004	California boating laws, fact sheet		
	X 005	Reporting a boating accident		

**EXHIBIT D**

## **EXHIBIT D - LM SPORTS' EXHIBIT LIST (PHASE 2)**

LM Sports notes that some exhibits have been identified on this list because this Court has not yet had the opportunity to rule on LM Sports' anticipated motions *in limine*. The outcome of those motions may well eliminate many of these exhibits. By including them here, LM Sports does not concede they are relevant, admissible or were timely disclosed.

LM Sports, Inc. intends to offer the following exhibits at trial and/or show the following exhibits to witnesses at trial. For ease of reference, many exhibits include in parentheses reference to the source of the document and/or the exhibit to which it was attached. Similarly, the names of the exhibits may change and to the extent they are descriptive, are meant only for the parties' ease of reference leading up to trial.

Additionally, multiple depositions were taken in this case and LM Sports anticipates that the exhibits attached to those witnesses' depositions may be introduced at trial, and therefore, they are incorporated herein as potential exhibits. For purposes of preservation of the record, since the exhibits introduced at each deponents' deposition began with the number "1", LM Sports requests that any deposition exhibit introduced a trial should be named with the deponent's name first followed by the exhibit number.

In addition to the exhibits for any depositions introduced at trial and any items listed in Section XII (12) of the Pre-Trial Statement, LM Sports lists the following exhibits:

- 100) Douglas County, Nevada Sheriff-Coroner's Department Statement Form of Evan Botwin dated July 24, 2016 (Botwin P-14)
- 101) Douglas County, Nevada Sheriff-Coroner's Department Statement Form of Nicholas Carscadden (undated) (Carscadden Exhibit 2)
- 102) Douglas County, Nevada Sheriff-Coroner's Department Statement Form of Benoit Gautier (undated) (Gautier Exhibit 2)
- 103) Douglas County, Nevada Sheriff-Coroner's Department Statement Form of Alvaro Gilsanz Herranz dated July 24, 2016 (Gilsanz Herranz Exhibit 2)
- 104) Douglas County, Nevada Sheriff-Coroner's Department Statement Form of Elena Legramanti dated July 26, 2016 (Legramanti 2)
- 105) Douglas County, Nevada Sheriff-Coroner's Department Statement Form of Erlinda Lesi (undated) (Lesi 2)
- 106) Douglas County, Nevada Sheriff-Coroner's Department Statement Form of Christa Wolf dated July 24, 2016 (Wolf 2)
- 107) Douglas County, Nevada Sheriff-Coroner's Department Statement Form of Sean O'Dea dated July 24, 2016 (O'Dea 5)



- 108) Douglas County, Nevada Sheriff-Coroner's Department Statement Form of Regan Roberts dated July 24, 2016 (Roberts 6)
- 109) Douglas County, Nevada Sheriff-Coroner's Department Statement Form of Frances Copeland (dated 7/24/2016) (000017)
- 110) Statements obtained from passengers by Douglas County Sheriff's Department (000017 through 000026)
- 111) PGARCIA000115 - Article from South Tahoe Now entitled "Woman airlifted to Reno after Lake Tahoe boating accident"
- 112) Transcribed interview of Sean O'Dea dated October 7, 2017 (taken October 7, 2016 – SPO 000070 – SPO 000090)
- 113) Action Watersports Employee Counseling Discipline Report of Mathan Foss LAKE000113 – 000114 (Plaintiff's Trial Ex. 9.006)
- 114) Public Liability Incident/Accident Report of Julia Hontos (LAKE 00085 – 00086) Plaintiff's Ex. 9-005
- 115) Public Liability Incident/Accident Report of Mathan Foss (LAKE 00087 – 00088) (Foss Ex. 6)
- 116) Public Liability Incident/Accident Report of Dan Meeks (LAKE 00089 – 00090)
- 117) Public Liability Incident/Accident Report of Joel Baker (LAKE 00091 – 00093) Plaintiff's Ex. 9-004
- 118) Text messages between Paul Garcia and Plaintiff (Palla Exhibit 4 to 5/9/2018 deposition, PGARCIA000001 through PGARCIA000109 - first 120 pages of PDF of Palla Exhibit 4 to 5/9/2018 deposition)
- 119) PGARCIA000110 – Starts with "Tell him not to yell..."
- 120) PGARCIA000111 – Starts with "Dad? Saurav? I'm not worried."
- 121) PGARCIA000112 – Starts with "I have training next"
- 122) Four pages of text messages from July 29, 2016 through August 4, 2016 between Plaintiff and Defendant Paul Garcia, produced by Plaintiff on April 16, 2018, including unredacted text messages
- 123) Text messages between Paul Garcia and Plaintiff commencing July 4, 2016 and ending September 8, 2017 (Palla, Vol. 2, Ex. 5, Palla Text Messages - 00001 through 00112)

- 124) Text messages between Paul Garcia and Plaintiff commencing July 28, 2016 and ending September 8, 2017 (Palla, Vol. 2, Ex. 8, 71 pages)
- 125) 4 photographs of Plaintiff and Defendant Paul Garcia (PGARCIA000116 through PGARCIA000119)
- 126) "Life After Amputation" by Manisha Palla (Palla 4, Volume 1, pages 1/11 through 3/11)
- 127) 38.991 degrees N, 120.010 degrees W, SquareSpace by Manisha Palla dated September 17, 2016 (Palla 4, Volume 1, pages 8/11 through 11/11)
- 128) "I Lost My Leg in a Boating Accident at Age 22 - and I've Never Felt Luckier" by Manisha Palla as told by Anthea Levi (located within Palla 5, Volume 1)
- 129) Records produced by Douglas County Sheriff's Office for DSCO Report/Incident #16SO25285 (cover page and 00001 through 000030)
- 130) Deputy Report for Incident 16SO25285 of Douglas County Sheriff's Department (000014 through 00015), prepared by R. Skibinski
- 131) Deputy Report for Incident 16SO25285 of Douglas County Sheriff's Department, Supplemental Narrative (000016), prepared by Deputy Aaron Crawford, R. Skibinski
- 132) Fax from Douglas County Sheriff's Office to El Dorado County Sheriff's Office (Lovell 6)
- 133) Douglas County 911 response to subpoena
- 134) Douglas County Sheriff's Office 911 Emergency Call, 1st Call, Part 1
- 135) Douglas County Sheriff's Office 911 Emergency Call, 2nd Call, Part 1
- 136) Douglas County Sheriff's Office 911 Emergency Call, 2nd Call, Part 2
- 137) Records produced by El Dorado County Sheriff's Department for EDCSO Report #7242016-0089 (cover page and 00001 through 00034) (Lovell 3)
- 138) Three pages from El Dorado County Sheriff case number EG1606580 (00012 through 00014), identifying reporting officer as L. Lovell
- 139) Case Narrative for El Dorado County Sheriff case number EG1606580 (000017 through 000021), identifying deputy L. Lovell (Lovell 7 without the Bates labeled numbers)
- 140) Email from Deputy District Attorney Dale Gomes to El Dorado Sheriff's Office regarding lack of sufficient evidence for gross criminal negligence (000026)

- 141) 28 photos from El Dorado County Sheriff's Department
- 142) 181 audio files from El Dorado County Sheriff's Department
- 143) Medical records from Renown Regional Medical Center, pages 687-689, 716-738 (CalStar records)(March 28, 2018 report of Dr. Suzy Kim), limited purpose
- 144) Medical records from Dr. Moreland (Carol Hyland Report), limited purpose
- 145) MRI records from Advocate Illinois Masonic Med Center dated December 14, 2018 provided by Plaintiff for the first time on June 7, 2019, limited purpose
- 146) Record of February 2019 visit with Dr. Bartholomew provided by Plaintiff for the first time on June 7, 2019, limited purpose
- 147) Physical Therapy Notes from Advocate Illinois Masonic Medical Center dated December 14, 2018 (provided by Plaintiff for the first time on June 7, 2019), limited purpose
- 148) Demonstrative exhibits for experts, including photographs and/or videos of prosthetics and related parts, anatomical drawing and/or animation.

**Retained Expert Exhibits/Documents**

The following exhibits are either reports of designated experts, documents reviewed and/or produced by those designated experts or those referred to in their depositions. Many of these exhibits may not be offered into evidence, but during trial, LM Sports may need to show these documents to the designated experts. LM Sports listed these documents in an abundance of caution.

- 149) March 30, 2018 report of Jackie M. Alamo, M.A., with Appendices
- 150) April 16, 2018 report of Jackie M. Alamo, M.A., with Appendices
- 151) March 21, 2018 correspondence of Robert W. Johnson & Associates<sup>1</sup>
- 152) 9 pages of calculations/worksheets of Robert Johnson (Exhibit 7 to deposition of Johnson)
- 153) Plaintiff's prosthetic needs assessment (Exhibit 8 to deposition of Johnson)
- 154) National Vital Statistics Reports, Volume 66, Number 4, United States Life Tables, 2014. National Center for Health Statistics, 2017 (Johnson Expert Report)

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<sup>1</sup> LM Sports assumes that the "Final report" included by Plaintiff in her exhibit list references the March 29, 2018 report which include Exhibits A through E. If not, LM Sports reserves its right to add a complete copy of that report to this exhibit list.

- 155) Zero coupon U.S. Treasury yields supplied by the Wall Street Journal (Johnson Expert Report)
- 156) Bureau of Labor Statistics and Council of Economic Advisors, Economic Report of the President, 1991-2017 (Johnson Expert Report)
- 157) March 12, 2018 Report of Rick Chavez, CPO, which includes Exhibits A through D.
- 158) April 14, 2018 Rebuttal Report of Rick Chavez, CPO
- 159) Progress Notes dated March 5, 2018 (Exhibit 3 to Hittenberger deposition)
- 160) March 28, 2018 report of Dr. Suzy Kim, M.D., F.A.A.P.M.R. and Attachments A and B.
- 161) April 13, 2018 Rebuttal report of Dr. Suzy Kim, M.D., F.A.A.P.M.R.
- 162) Life Care Plan: Initial Prosthetic Questionnaire with handwritten notes (Exhibit 4 to Dr. Stephenson deposition)
- 163) Carol Hyland Rehabilitation Consultant Invoice No. 249.18, dated April 2, 2018 for \$11,246.95 (Hyland Deposition Exhibit 3)
- 164) Email from "Margaret" to Carol Hyland and others Re: edits to summary (Hyland Deposition Exhibit 7)
- 165) Carol Hyland's handwritten notes of Sylvia Allen's telephonic interview with Minisha Palla on February 22, 2018 (Hyland Deposition Exhibit 9)
- 166) Sylvia Allen's summary to Carol Hyland of telephonic interview with Minisha Palla on February 22, 2018 (Hyland Deposition Exhibit 10)
- 167) Vendor costs backup documentation for Life Care Plan drafted by Carol Hyland (Hyland Deposition Exhibit 11)
- 168) Google Earth satellite photo of the accident location (Osinski Expert Report)

LM Sports also reserves the right to rely upon, introduce and/or question witnesses with exhibits listed by other parties, or as necessary for rebuttal and impeachment. Additionally, if a witness testifies by deposition, LM Sports also anticipates that the exhibits to that witness' testimony may be introduced at trial.