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**FILED**

MAR 07 2019

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

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

TIMOTHY PRUITT,	)	Case No. 2:17-cv-00822 JAM-AC
	)	
Plaintiff,	)	<u>AMENDED PRETRIAL</u>
	)	<u>CONFERENCE ORDER</u>
v.	)	
	)	
GENENTECH, INC., and DOES 1	)	
THROUGH 10, INCLUSIVE,	)	
	)	
Defendants.	)	

Pursuant to court order, a Pretrial Conference was held on February 22, 2019 before Judge John Mendez. Jean K. Hyams and Sean D. McHenry appeared as counsel for plaintiff; Lynne C. Hermle, Julie A. Totten and Leo Moniz appeared as counsel for defendant. After hearing and submission of additional papers by the parties, the Court makes the following amended findings and orders:

I. JURISDICTION/VENUE

Jurisdiction is predicated upon 28 U.S.C. § 1331, and has previously been found to be proper by order of this court, as has venue. Those orders are confirmed.

II. JURY/NON-JURY

Plaintiff has demanded a jury trial, which defendant does not contest.

1 III. STATEMENT TO BE READ TO JURY

2 Seven (7) days prior to trial the parties shall E-file a joint  
3 statement of the case that may be read to the jury at the beginning  
4 of jury selection.

5 IV. UNDISPUTED FACTS

6 1. Plaintiff was employed by Genentech from July 6, 1998  
7 through July 27, 2016.

8 2. In or around June 2016, Plaintiff complained to Genentech  
9 Senior Manager, Employee Relations Joe Rodriguez that he believed  
10 his supervisor, Steve Graeff, was treating him differently because  
11 of his race.

12 3. Genentech terminated Plaintiff's employment effective  
13 July 27, 2016.

14 V. DISPUTED FACTUAL ISSUES

15 1. Whether Mr. Pruitt's report of race discrimination was a  
16 substantial motivating reason for Genentech's decision to terminate  
17 his employment.

18 2. Whether Mr. Pruitt's report of race discrimination was a  
19 contributing factor in Genentech's decision to terminate his  
20 employment.

21 3. Whether Mr. Pruitt was harmed as a result of his  
22 termination from Genentech.

23 4. Whether Mr. Pruitt's termination from Genentech was a  
24 substantial factor in causing Plaintiff harm.

25 5. Whether Genentech would have terminated Mr. Pruitt anyway  
26 at that time, for legitimate, independent reasons.

27 6. Whether Mr. Pruitt has suffered past and future lost  
28 earnings and benefits and the amount of any past and future lost

1 earnings and benefits.

2 7. Whether employment substantially similar to Mr. Pruitt's  
3 former job was available to Plaintiff.

4 8. Whether Mr. Pruitt made reasonable efforts to seek  
5 employment substantially similar to his former job.

6 9. The amount that Mr. Pruitt could have earned from  
7 replacement employment.

8 10. Whether Mr. Pruitt is entitled to recover prejudgment  
9 interest for any damages for past lost earnings and the amount of  
10 any such prejudgment interest.

11 11. Whether Mr. Pruitt has suffered or will suffer past  
12 and/or future emotional distress and the amount of damages for any  
13 such emotional distress.

14 The parties do not agree regarding how to frame certain other  
15 factual disputes and therefore set them forth separately:

16 **A. Plaintiff's list of additional factual disputes:**

17 1. Whether Genentech subjected Mr. Pruitt to heightened  
18 scrutiny in retaliation for his report of race discrimination.  
19 (The parties disagree whether this factual dispute is a proper  
20 issue for trial. See footnotes 1 and 2, Joint Pretrial Statement,  
21 ECF No. 81.)

22 2. Whether misconduct by Mr. Pruitt was also a substantial  
23 motivating reason for Genentech's decision to terminate his  
24 employment. (The parties disagree whether this factual dispute is  
25 a proper issue for trial. See footnotes 3 and 4, Joint Pretrial  
26 Statement, ECF No. 81.)

27 3. Whether Genentech would have terminated Mr. Pruitt's  
28 employment anyway at the same time based on misconduct had

1 Genentech not also been substantially motivated by retaliation.

2 **B. Defendant's list of additional factual disputes:**

3 1. Whether Genentech's belief that Plaintiff had committed  
4 misconduct was a substantial motivating reason for Genentech's  
5 decision to terminate Plaintiff's employment.

6 2. Whether Genentech would have terminated Plaintiff anyway  
7 at that time based on Genentech's belief that Plaintiff had  
8 committed misconduct had Genentech not also been substantially  
9 motivated by retaliation.

10 **VI. DISPUTED EVIDENTIARY ISSUES**

11 The Court and the parties have discussed and resolved several  
12 disputed evidentiary issues raised in the Joint Pretrial Statement  
13 (ECF No. 81). The Court acknowledges that the need for other  
14 motions *in limine* may become apparent to the parties as they  
15 continue to prepare for trial, e.g., Plaintiff's argument that the  
16 testimony of Dr. Mark Kalish (Genentech's expert) should be  
17 excluded or limited. The parties agreed that they will meet and  
18 confer in an effort to resolve those disputes before bringing a  
19 motion.

20 **VII. RELIEF SOUGHT**

21 Plaintiff seeks past and future economic and non-economic  
22 damages under the Fair Employment and Housing Act (FEHA) and  
23 California Labor Code Section 1102.5. Plaintiff also seeks a  
24 civil penalty not exceeding ten thousand dollars pursuant to  
25 California Labor Code Section 1102.5(f). Plaintiff seeks all  
26 available interest, including pre- and post-judgment interest.  
27 Should Plaintiff prevail on his FEHA claim at trial, he will seek  
28 his costs and attorneys' fees incurred in this action pursuant to

1 Cal. Gov. Code §12965(b).

2 VIII. POINTS OF LAW

3 Trial briefs shall be E-filed with the court no later than  
4 March 25, 2019. Any points of law not previously argued to the  
5 Court should be briefed in the trial briefs. No responding trial  
6 briefs shall be permitted.

7 IX. ABANDONED ISSUES

8 The parties are not aware of any abandoned issues in this  
9 case.

10 X. WITNESSES

11 Plaintiff anticipates calling the following witnesses:

- 12 1. Timothy Pruitt
- 13 2. Vertie Andre
- 14 3. Timiesha Pruitt
- 15 4. Alexis Rabourn
- 16 5. Dr. Joel Fine
- 17 6. Charles Mahla
- 18 7. Steve Graeff
- 19 8. Karen Hall
- 20 9. Joe Rodriguez
- 21 10. Kim Simmons
- 22 11. Javier Vargaz
- 23 12. Dan Williams
- 24 13. Thomas Barillaro
- 25 14. Mariela Ramirez
- 26 15. Humayon Sarwari

27 Defendant anticipates calling the following witnesses:

- 28 1. Steven Brown

- 1           2.    Gerald Byrd
- 2           3.    Mitch Duran
- 3           4.    Rudy Evangelista
- 4           5.    Mark Gottas
- 5           6.    Steve Graeff
- 6           7.    Albert Hall
- 7           8.    Karen Hall
- 8           9.    Navkaran Jagpal
- 9           10.   Tammy James-Ishibashi
- 10          11.   Patrick Lynch
- 11          12.   Angela Mauro
- 12          13.   Eileen Murray
- 13          14.   Julia Myers
- 14          15.   Timothy Pruitt
- 15          16.   Mariela Ramirez
- 16          17.   Natasha Reckless
- 17          18.   Joe Rodriguez
- 18          19.   Kim Simmons
- 19          20.   Javier Vargaz
- 20          21.   Dan Williams
- 21          22.   Custodian of Records for Advantage Technical Resourcing,  
22    Inc.
- 23          23.   Custodian of Records for Alameda County Human Resource  
24    Services Department
- 25          24.   Custodian of Records for Monster Worldwide, Inc.
- 26          25.   Custodian of Records for Robert Half International Inc.
- 27          26.   Malcolm S. Cohen
- 28          27.   Laura R. Steiner

- 1           28. Dr. Mark Kalish  
2           29. Henry Miller  
3           30. J. Duross O'Bryan, Jr.

4           Each party reserves its right to object to any witness not  
5 timely or properly disclosed pursuant to Fed. R. Civ. P. 26. Each  
6 party may also call a witness designated by the other. Other  
7 Custodians of Records not identified on the parties' lists may be  
8 called at trial for the sole purpose of authenticating exhibits.

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

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

13                 (2) The witness was discovered after the Pretrial  
14 Conference and the proffering party makes the showing required in  
15 "B" below.

16           B. Upon the post-Pretrial discovery of witnesses, the  
17 attorney shall promptly inform the court and opposing parties of  
18 the existence of the unlisted witnesses so that the court may  
19 consider at trial whether the witnesses shall be permitted to  
20 testify. The evidence will not be permitted unless:

21                 (1) The witnesses could not reasonably have been  
22 discovered prior to Pretrial;

23                 (2) The court and opposing counsel were promptly  
24 notified upon discovery of the witnesses;

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

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





1 the exhibit(s) reasonably available for inspection by opposing  
2 counsel.

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

18 XII. DISCOVERY DOCUMENTS

19 Plaintiff intends to offer the following discovery at trial:

20 1. Plaintiff's Special Interrogatory No. 11 and Defendant's  
21 Answer.

22 Defendant intends to offer the following discovery at trial:

23 1. Plaintiff's Fifth Amended Responses to Defendant's  
24 Special Interrogatories, Set One: Responses to Interrogatories Nos.  
25 9, 10, and 11.

26 2. Plaintiff's Amended Responses to Defendant's Special  
27 Interrogatories, Set Two: Response to Interrogatory No. 17.

28 3. Plaintiff's Supplemental Responses to Defendant's Special

1 Interrogatories, Set One, served February 21, 2019: Amended  
2 Response to Interrogatory No. 9.

3 XIII. FURTHER DISCOVERY OR MOTIONS

4 Pursuant to the court's Status Conference Order, all discovery  
5 and law and motion was to have been conducted so as to be completed  
6 as of the date of the Pretrial Conference. That order is  
7 confirmed. The parties are free to do anything they desire  
8 pursuant to informal agreement. However, any such agreement will  
9 not be enforceable in this court.

10 XIV. STIPULATIONS

11 The parties informed the Court that they will meet and confer  
12 with the intention of entering into stipulations regarding the  
13 following:

14 1. The Parties will not introduce any argument or evidence  
15 that Plaintiff's domestic partner was improperly or fraudulently  
16 receiving healthcare benefits through his employment with  
17 Genentech.

18 2. The Parties will not introduce evidence regarding  
19 Defendant's financial condition.

20 3. Plaintiff will not elicit opinion testimony from Humayon  
21 "Harry" Sarwari that Steve Graeff is a "racist," nor will Plaintiff  
22 introduce Mr. Sarwari's declaration from the summary judgment  
23 proceedings.

24 4. Plaintiff timely and properly exhausted his  
25 administrative remedies by filing a complaint with the Department  
26 of Fair Employment and Housing and receiving a right to sue notice.

27 5. The Parties will not introduce evidence or argument  
28 regarding Plaintiff's alleged misclassification, other litigation

1 against Genentech, or Plaintiff's participation in a prior wage and  
2 hour class action.

3 6. Genentech will also seek to meet and confer with  
4 Plaintiff with the intention of entering into a stipulation that  
5 Plaintiff engaged in protected activity under FEHA and California  
6 Labor Code section 1102.5.

7 Any stipulations that are entered into by the parties should  
8 be submitted in writing to the Court no later than the first day of  
9 trial.

10 XV. AMENDMENTS/DISMISSALS

11 None.

12 XVI. FURTHER TRIAL PREPARATION

13 A. Counsel are directed to Local Rule 285 regarding the  
14 contents of trial briefs. Such briefs should be E-filed on or  
15 before March 25, 2019.

16 B. Counsel are further directed to confer and to attempt to  
17 agree upon a joint set of jury instructions. The joint set of  
18 instructions shall be lodged via ECF with the court clerk on or  
19 before March 25, 2019 and shall be identified as the "Jury  
20 Instructions Without Objection." As to instructions as to which  
21 there is dispute the parties shall submit the instruction(s) via  
22 ECF as its package of proposed jury instructions on or before March  
23 25, 2019. This package of proposed instructions should not include  
24 the "Jury Instructions Without Objection" and should be clearly  
25 identified as "Disputed Jury Instructions" on the proposed  
26 instructions.

27 The parties shall e-mail a set of all proposed jury  
28 instructions in word format to the Court's Judicial Assistant, Jane

1 Klingelhoets, at: [jklingelhoets@caed.uscourts.gov](mailto:jklingelhoets@caed.uscourts.gov).

2 C. It is the duty of counsel to ensure that a hard copy of  
3 any deposition which is to be used at trial has been lodged with  
4 the Clerk of the Court pursuant to Local Rule 133(j). The  
5 depositions shall be lodged with the court clerk seven (7) calendar  
6 days prior to the date of the trial. Counsel are cautioned that a  
7 failure to discharge this duty may result in the court precluding  
8 use of the deposition or imposition of such other sanctions as the  
9 court deems appropriate.

10 D. The parties are ordered to E-file with the court and  
11 exchange between themselves not later than one (1) week before the  
12 trial a statement designating portions of depositions intended to  
13 be offered or read into evidence (except for portions to be used  
14 only for impeachment or rebuttal).

15 E. The parties are ordered to E-file with the court and  
16 exchange between themselves not later than one (1) week before  
17 trial the portions of Answers to Interrogatories and/or Requests  
18 for Admission which the respective parties intend to offer or read  
19 into evidence at the trial (except portions to be used only for  
20 impeachment or rebuttal).

21 F. Each party may submit proposed voir dire questions the  
22 party would like the court to put to prospective jurors during jury  
23 selection. Proposed voir dire should be submitted via ECF one (1)  
24 week prior to trial.

25 G. Each party may submit a proposed verdict form that the  
26 party would like the Court to use in this case. Proposed verdict  
27 forms should be submitted via ECF one (1) week prior to trial.

28 H. In limine motions shall be E-filed separately on or

1 before March 22, 2019. Opposition briefs shall be E-filed on or  
2 before March 27, 2019. No reply briefs may be filed.

3 XVII. SETTLEMENT NEGOTIATIONS

4 No further formal Settlement Conference will be set in this  
5 case at this time.

6 XVIII. AGREED STATEMENTS

7 See paragraph III, *supra*.

8 XIX. SEPARATE TRIAL OF ISSUES

9 Defendant requests a separate trial of the issues of liability  
10 and damages. Plaintiff opposes this request. For the reasons  
11 stated at the Pretrial Conference the Court denies defendant's  
12 bifurcation request.

13 XX. IMPARTIAL EXPERTS/LIMITATION OF EXPERTS

14 The Parties agree that appointment by the Court of impartial  
15 expert witnesses or limitation of the number of expert witnesses is  
16 not advisable.

17 XXI. ATTORNEYS' FEES

18 The matter of the award of attorneys' fees to prevailing  
19 parties pursuant to statute will be handled by motion in accordance  
20 with Local Rule 293.

21 XXII. MISCELLANEOUS<sup>1</sup>

22 The Parties suggest that a special verdict form would aid in  
23 the disposition of the action. In response, the Court indicated

24 \_\_\_\_\_  
25 <sup>1</sup> The Court expresses its sincere appreciation to counsel for  
26 pointing out the language regarding the use of footnotes in Joint  
27 Pretrial Statements which is contained in the Court's  
28 Status/Scheduling Order (ECF No. 11, p. 6). This unintended  
approval of the use of footnotes has been permanently removed from  
this Status/Scheduling Order form. This is also the first and last  
time that this Court will include a footnote in a Pretrial  
Conference Order.

1 its preference for a general verdict form.


2 XXIII. ESTIMATE OF TRIAL TIME/TRIAL DATE

3 The parties estimate five (5) to seven (7) court days for  
4 trial. Trial will commence on or about April 1, 2019, at 9:00 a.m.

5 Counsel are to call Harry Vine, Courtroom Deputy, at  
6 (916) 930-4091, one week prior to trial to ascertain the status of  
7 the trial date.

8 IT IS SO ORDERED.

9 DATED: March 7, 2019

  
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10 JOHN A. MENDEZ  
11 UNITED STATES DISTRICT JUDGE  
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**EXHIBIT A**

1 JEAN K. HYAMS (SBN 144425)  
2 LEVY VINICK BURRELL HYAMS LLP  
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7 SEAN D. MCHENRY (SBN 284175)  
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12 sean@mchenryemployment.com

13 Attorneys for Plaintiff  
14 TIMOTHY PRUITT

15 UNITED STATES DISTRICT COURT  
16 EASTERN DISTRICT OF CALIFORNIA

17 TIMOTHY PRUITT,

18 Plaintiff,

19 vs.

20 GENENTECH, INC.,

21 Defendant.

Case No. 2:17-CV-00822-JAM-AC

**PLAINTIFF'S AMENDED TRIAL  
EXHIBIT LIST**

Judge: Hon. John A. Mendez  
Courtroom: 6 – 14th Floor

Date Action Filed: March 10, 2017  
Trial Date: April 1, 2019



1 Plaintiff Timothy Pruitt hereby submits his Amended Trial Exhibit List, as follows.

TRIAL EX. NO.	DATE	DESCRIPTION	BATES RANGE
78	5/21/2013	Williams email to Hall regarding replacing Plaintiff	GENE 2706
79	3/6/2014	Plaintiff's 2014 equity award	GENE 3875-3876
80	3/5/2015	Plaintiff's 2015 equity award	GENE 3879-3880
81	3/3/2016	Plaintiff's 2016 equity award	GENE 1975-1976
82	2016	Organizational chart depicting Plaintiff in 2016	GENE 4505
83	4/6/2016	Email from Graeff regarding whether Plaintiff's leave was work related	GENE 733
84	6/15/2016	Rodriguez notes from call with Plaintiff	GENE 989-993
85	6/17/2016	Rodriguez email requesting time records	GENE 2974
86	Various	Time records of Wehner	GENE 1014-1020
87	Various	Defendant log of IT tickets by Plaintiff	GENE 785
88	Various	Time records for Matt Wehner during the period he and Pruitt reported to Graeff	GENE 4140-4150
89	6/27/2016	Plaintiff email to Graeff regarding timecards review	GENE 2970
90	7/13/2016	Email from Graeff regarding status of Rodriguez investigation	GENE 3005
91	7/14/2016	Email from Rodriguez responding to Graeff inquiry into investigation	GENE 3000-3001
92	7/21/2016	Barillaro text message to Plaintiff	PRUITT 564
93	7/21/2016	Still image(s) from video of cafe on July 21	GENE 1985
94	7/21/2016	Still image(s) from video of hallway on July 21	GENE 1986
95	7/21/2016	Slow Motion version of video of café on July 21	GENE 1985
96	7/26/2016	Graeff email to Rodriguez regarding meeting notes	GENE 3200
97	6/21/2016	Screenshot of time record for June 21, 2016	GENE 0960
98	6/21/2016	Screenshot of time record for June 21, 2016	GENE 0961
99	6/30/2016	Email from Pruitt to Rodriguez with attached screenshot of time record for June 21, 2016	GENE 2966-2967
100	7/8/2016	Email from Graeff to Rodriguez re June 21, 2016 time record	GENE 2984-2985
101	7/26/2016	Email from Graeff to Rodriguez re invitation	GENE 3136
102	Various	Pruitt Employee Templates	GENE 3380, 3393, 3405, 3418, 3431, 3438, 3454, 3475, 3498, 3517, 3530, 3536, 3570, 3596, 3608
103	Various	Pruitt Employee Templates	GENE 3380, 3393, 3405, 3418, 3431, 3438, 3454, 3475, 3498, 3517, 3530, 3536, 3570, 3596, 3608

TRIAL EX. NO.	DATE	DESCRIPTION	BATES RANGE
104	Various	Genentech Resource Review Matrices	GENE 3382, 3384, 3407, 3420, 3433, 3455, 3478, 3501, 3519, 3531
105	Undated	Genentech Resource Review document	GENE 3337-3343
106		Defendant's Discrimination policy	GENE 3790
107		Defendant's Manager Tool Kit policy	GENE 3815
108		Defendant's Written Warning template	GENE 1595-1596
109	8/8/2018	Expert report of Charles Mahla	
110		Resume of Charles Mahla	Expert Report Tab 1 pages 1-4
111	Various	Plaintiff's new hire paperwork	GENE 147n-154
112	Various	Plaintiff's payroll records	Pruitt 245-354
113	Various	Plaintiff's 1998 to 2001 pay raises	GENE 147a-147m
114	Various	Defendant's benefits summary plan descriptions	GENE 1181-1546
115	2016	U.S. Roche Long-term Disability Policy	GENE 4750-4769
116	Various	Defendant's post-termination benefits policy	GENE 3156-3161
117		Dr. Fine's CV	Fine Depo Exhibit 2
118	Various	Dr. Fine treatment notes of Plaintiff	Fine 65, 64, 63, 49, 45, 38, 36, 20, 5, and 4
119	Various	List of appointments of Plaintiff with Rabourn	Rabourn Depo Exhibit 20
120	Various	Plaintiff job search summary from Monster.com	Pruitt 858-865
121	Various	Plaintiff job search records October 2016 - May 2017	Pruitt 444-551
122	Various	Plaintiff job search records July 2017 - May 2018	Pruitt 733-857
123	Various	Plaintiff job search records May 2018 - October 2018	Pruitt 935-1077
124	Various	Plaintiff job search records October 2018 - February 2019	Pruitt 1092-1223
125	Various	Plaintiff job search records from Robert Half	Robert Half 1-9
126	Various	Plaintiff's resume writer invoice and documents	Pruitt 926-933
127	11/18/2016	Plaintiff's DFEH charge and right-to-sue letter	Pruitt 439-443
128		Demonstrative(s): timeline of events	
129		Demonstrative(s): Plaintiff's compensation at Defendant over time	
130		Demonstrative(s): Plaintiff's wage loss	
131		Demonstrative(s): Plaintiff's expert economist report tables	
132		Demonstrative(s): Calendar pages for relevant time periods	

1 Date: March 7, 2019

MCHENRY LAW FIRM

2 /s/ Sean D. McHenry \_\_\_\_\_

3 Sean D. McHenry  
4 Attorneys for Plaintiff  
5 TIMOTHY PRUITT  
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**EXHIBIT B**

1 LYNNE C. HERMLE (STATE BAR NO. 99779)  
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**EXHIBIT B**

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10 Attorneys for Defendant  
GENENTECH, INC.

11  
12 UNITED STATES DISTRICT COURT  
13 EASTERN DISTRICT OF CALIFORNIA

14 TIMOTHY PRUITT,  
15 Plaintiff,  
16 v.  
17 GENENTECH, INC.; AND DOES 1  
THROUGH 10, INCLUSIVE,  
18 Defendants.  
19

Case No. 2:17-CV-00822-JAM-AC  
**DEFENDANT GENENTECH, INC.'S  
AMENDED TRIAL EXHIBIT LIST**  
Trial Date: April 1, 2019  
Time: 9:00 a.m.  
Courtroom: 6, 14th floor  
Judge: Hon. John A. Mendez  
Date Action Filed: April 19, 2017  
Trial Date: April 1, 2019

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1 Defendant Genentech, Inc. ("Defendant" or "Genentech") hereby submits its Amended  
 2 Trial Exhibit List, as follows:

TRIAL EX NO	DATE	DESCRIPTION	BATES START	BATES END
133		The U.S. Pharma Code of Conduct	GENE 003657	GENE 003706
134		Employee Behavior and Disciplinary Action Policy	GENE 001609	GENE 001609
135		Time Worked Manual	GENE 001612	GENE 001619
136	7/23/1999	Tim Pruitt's 7/1998-7/1999 Performance Review	GENE 000156	GENE 000162
137	7/21/1999	Tim Pruitt's Vital Promotion Recommendation	GENE 002705	GENE 002705
138	8/16/2000	Tim Pruitt's 7/1999-7/2000 Performance Review	GENE 000163	GENE 000170
139	6/20/2001	Tim Pruitt's 7/2000-6/2001 Performance Review	GENE 000171	GENE 000176
140		Tim Pruitt's Vital Developmental Salary Increase Recommendation	GENE 001774	GENE 001774
141	6/30/2002	Tim Pruitt's 7/2001-6/2002 Performance Review	GENE 000177	GENE 000190
142	2003	Tim Pruitt's 2003 Performance Review	GENE 000003	GENE 000009
143	2004	Tim Pruitt's 2004 Performance Review	GENE 000010	GENE 000016
144	2005	Tim Pruitt's 2005 Performance Review	GENE 000017	GENE 000027
145	2006	Tim Pruitt's 2006 Performance Review	GENE 000028	GENE 000046
146	2007	Tim Pruitt's 2007 Performance Review	GENE 000050	GENE 000064
147	1/1/2009	Tim Pruitt's 2008 Performance Review	GENE 000078	GENE 000085
148	4/21/2009	Systems Specialist Job Description signed by Tim Pruitt and Dan Williams	Pruitt00244	Pruitt00244
149	2009	Tim Pruitt's 2009 Performance Review	GENE 000086	GENE 000090
150	1/1/2011	Tim Pruitt's 2010 Performance Review	GENE 000091	GENE 000096
151	2011	Tim Pruitt's 2011 Performance Review	GENE 000205	GENE 000210

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TRIAL EX NO	DATE	DESCRIPTION	BATES START	BATES END
152	7/2/2012	Karen Hall's notes re Dan Williams and Kelly Calderwood	GENE_000931	GENE_000932
153	2012	Notes re 1:1 meetings with Tim Pruitt on 5/10/12, 5/24/12, 7/6/12, 8/7/12	GENE_001122	GENE_001124
154	8/31/2012	Performance Counseling document from Dan Williams to Mitch Duran	GENE_004486	GENE_004487
155	9/13/2012	Performance Counseling document from Dan Williams to Matt Wehner	GENE_004489	GENE_004490
156	9/18/2012	Performance Counseling document from Dan Williams to Tim Pruitt	GENE_000918	GENE_000919
157	10/9/2012	Karen Hall's notes re Dan Williams	GENE_000927	GENE_000928
158	10/12/2012	Karen Hall's notes re Tim Pruitt	GENE_000926	GENE_000926
159	10/23/2012	Karen Hall's notes re Dan Williams	GENE_000924	GENE_000925
160	11/15/2012	Karen Hall's notes re Tim Pruitt	GENE_000913	GENE_000916
161	11/16/2012	Memorandum from Timothy Pruitt to Dan Williams cc Bob Albert, Karen Hall re Response to Performance Counseling dated September 18, 2012	GENE_001789	GENE_001792
162	11/16/2012	Dan Williams 11/16/12 notes re Tim Pruitt with attached Response to Performance Counseling dated September 18, 2012	GENE_001855	GENE_001859
163		Dan Williams' notes re Meeting with Karen Hall and Bob Albert re Tim Pruitt	GENE_001854	GENE_001854
164	11/20/2012	Karen Hall's notes re Dan Williams and Bob Albert re Tim Pruitt	GENE_000908	GENE_000909
165	11/28/2012	Karen Hall's notes re Bob Albert	GENE_000907	GENE_000907
166	11/29/2012	Dan Williams' notes re 1:1 11/29/12	GENE_001853	GENE_001853
167	12/13/2012	Karen Hall's notes re Tim's Response to his P.C.	GENE_000904	GENE_000906
168	12/19/2012	Karen Hall's notes re Tim Pruitt - Close out investigation	GENE_000903	GENE_000903

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TRIAL EX. NO.	DATE	DESCRIPTION	BATES START	BATES END
169	12/19/2012	Email from Karen Hall to Tim Pruitt re Close-out memo with attached Close-out memo T Pruitt, dated December 19, 2012	GENE 002244	GENE 002245
170	Various	Karen Hall Employee Relations file re Tim Pruitt	GENE 000794	GENE 000932
171	12/19/2012	Global Compliance Workplace Alert Initial Report	GENE 002248	GENE 002249
172	12/21/2012	Dan Williams 12/21/12 notes	GENE 001848	GENE 001848
173	1/2/2013	Karen Hall's notes re Dan Williams	GENE 000920	GENE 000921
174	2013	Notes re Tim Pruitt from Julia Myers Employee Relations file	GENE 001166	GENE 001166
175	1/8/2013	Julia Myers' notes re Dan Williams re Tim Pruitt	GENE 001106	GENE 001108
176	1/9/2013	Julia Myers' notes re Sean McMillan	GENE 001125	GENE 001126
177	1/24/2013	Julia Myers' notes re Tim Pruitt	GENE 001105	GENE 001105
178	1/29/2013	Julia Myers' notes re Dan Williams	GENE 001150	GENE 001150
179	2/14/2013	Julia Myers' notes re Tim Pruitt	GENE 001103	GENE 001104
180	2/21/2013	Dan Williams' notes re 2/21/13 1:1	GENE 001841	GENE 001841
181	2012	Tim Pruitt's 2012 Performance Review	GENE 000097	GENE 000101
182	2012	Mitch Duran's 2012 Performance Review	GENE 004078	GENE 004082
183	2012	Matt Wehner's 2012 Performance Review	GENE 004073	GENE 004077
184	2/25/2013	Email chain involving Tim Pruitt and Julia Myers re Performance Counseling document	GENE 000892	GENE 000893
185	3/6/2013	Dan Williams' notes re Performance Counseling Delivery - 030613	GENE 001840	GENE 001840
186	3/6/2013	Performance Counseling document from Dan Williams to Tim Pruitt, Amended March 6, 2013	GENE 001903	GENE 001904
187	3/7/2013	Dan Williams' notes re Tim 1:1 030713	GENE 001839	GENE 001839
188	2013	Mitch Duran's 2013 Compensation Statement	GENE 004057	GENE 004057



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TRIAL EX NO	DATE	DESCRIPTION	BATES START	BATES END
189	2013	Matt Wehner's 2013 Compensation Statement	GENE 004056	GENE 004056
190	3/7/2013	Email chain involving Dan Williams, Bob Albert, Karen Hall, Julia Myers, Tim Pruitt re 1:1 Notes - 030713	GENE 002370	GENE 002371
191	3/18/2013	Karen Hall's notes re Tim Pruitt	GENE 000864	GENE 000866
192		Karen Hall's notes re David Jenks and Celena Lema	GENE 000872	GENE 000872
193	2013	Julia Myers' chart of Tim Pruitt's Allegations	GENE 001100	GENE 001101
194	3/19/2013	Memorandum from Julia Myers to Tim Pruitt re Results of Internal Investigation	GENE 001099	GENE 001099
195	Various	Julia Myers Employee Relations file re Tim Pruitt	GENE 001091	GENE 001178
196	3/19/2013	Email from Tim Pruitt to Karen Hall forwarding Dan Williams' January 25, 2013 email with attached Systems Specialist Leveling Criteria	GENE 002376	GENE 002377
197	3/19/2013	Email from Tim Pruitt to Karen Hall forwarding Dan Williams' email re 1:1 Notes - 030713	GENE 000871	GENE 000871
198	3/22/2013	Karen Hall's notes re Julia re Tim Pruitt	GENE 000877	GENE 000877
199	3/25/2013	Karen Hall's notes re Tim Pruitt	GENE 000876	GENE 000876
200		Karen Hall's notes re Tim Pruitt's - Performance Reviews 1999-2003	GENE 000824	GENE 000825
201	3/28/2013	Karen Hall's notes re Dan Williams re Tim Pruitt	GENE 000859	GENE 000863
202	Various	Dan Williams' Observations 3/29/13 & 4/1/13	GENE 001837	GENE 001837
203	4/4/2013	Dan Williams' notes re 1:1 040413	GENE 001836	GENE 001836
204	Various	Email chain involving Dan Williams, Karen Hall, and Tim Pruitt re 1:1 040413	GENE 000856	GENE 000857
205	4/22/2013	Dan Williams' notes re Tim/Dan 1:1 042213	GENE 001833	GENE 001834
206	4/22/2013	Email chain involving Dan Williams, Karen Hall, Bob Albert, and Tim Pruitt re 1:1 Notes 042213	GENE 002452	GENE 002453

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TRIAL EX NO	DATE	DESCRIPTION	BATES START	BATES END
207	Various	Email chain involving Dan Williams, Karen Hall, Bob Albert, and Tim Pruitt re 1:1 Notes 042213	GENE_002448	GENE_002451
208	4/30/2013	Karen Hall's notes re Dan Williams	GENE_000847	GENE_000849
209	5/3/2013	Karen Hall's notes re Dan Williams re Tim Pruitt	GENE_000836	GENE_000836
210	5/7/2013	Karen Hall's notes re Julia	GENE_000832	GENE_000832
211	2013	Dr. William Keeler's Declaration of Custodian of Records and Production of Documents	Keeler_000001	Keeler_000006
212	5/30/2013	Dr. William Keeler's Intake and Progress Notes for Tim Pruitt	GENE_000572	GENE_000583
213	6/11/2013	Dr. William Keeler's Letter and Progress Notes for Tim Pruitt	GENE_000593	GENE_000598
214	7/9/2013	Letter from Dr. Joel Fine to Heidi Jacques (Liberty Mutual) re Timothy Pruitt	Fine_000068	Fine_000068
215	8/14/2013	Letter from Dr. Joel Fine to Marilyn Cook (Liberty Life Assurance Company of Boston) re Timothy Pruitt	Fine_000066	Fine_000067
216	10/18/2013	Himani Janapana (MSL Group) Independent Peer Review re Tim Pruitt	GENE_000558	GENE_000567
217	6/27/2013	Karen Hall's notes re Dan Williams re Tim Pruitt	GENE_000821	GENE_000821
218	7/16/2013	Karen Hall's notes re Dan Williams re Tim Pruitt	GENE_000819	GENE_000820
219	8/23/2013	Email from Karen Hall to Dan Williams re Tim Mid Year Assessment with attached Tim Pruitt Mid Year Assessment 8-2013	GENE_002784	GENE_002786
220	8/29/2013	Tim Pruitt's Mid Year Review 2013	GENE_000001	GENE_000002
221	9/30/2013	Email from Tim Pruitt to Dan Williams cc Karen Hall, Bob Albert re Mid-Year Review 2013 Response with attached Response to Mid Year Review 2013	GENE_002794	GENE_002797

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TRIAL EX. NO.	DATE	DESCRIPTION	BATES START	BATES END
222	Various	Karen Hall's notes re Dan Williams	GENE_000798	GENE_000798
223	2013	Tim Pruitt's 2013 Performance Review	GENE_000218	GENE_000222
224	2014	Tim Pruitt's 2014 Compensation Statement	GENE_003873	GENE_003876
225	8/26/2014	Karen Hall's notes re Dan Williams re Tim Pruitt and Matt Wehner	GENE_000797	GENE_000797
226	2014	Tim Pruitt's 2014 Performance Review	GENE_000102	GENE_000105
227	2015	Tim Pruitt's 2015 Compensation Statement	GENE_003877	GENE_003880
228	8/12/2015	Email from Dan Williams to Steve Graeff with attached amended Performance Counseling document for Tim Pruitt dated March 6, 2013	GENE_002085	GENE_002087
229	8/12/2015	Email from Dan Williams to Steve Graeff with attached Performance Counseling document for Mitch Duran dated August 31, 2012	GENE_004485	GENE_004487
230	8/12/2015	Email from Dan Williams to Steve Graeff with attached Performance Counseling document for Matt Wehner dated September 13, 2012	GENE_004488	GENE_004490
231	10/5/2015	Email chain involving Dan Williams, Steve Graeff, and Tim Pruitt re follow up from our 1:1	GENE_002097	GENE_002099
232		Systems Specialist II (N7) Job Description	GENE_001934	GENE_001935
233		Interview Schedule for Tim Pruitt, Position: Systems Specialist	GENE_003298	GENE_003298
234	Various	Email chain involving Steve Graeff, Lisa Del Toro, Dan Williams, Kelly Calderwood, Jim Demarco, Natalie Maxwell, Connie Ross re Interview Package Systems Specialist	GENE_002138	GENE_002139
235		Disposition Summary	GENE_001932	GENE_001932
236		Org Chart: NA Pharma User Services Organization	GENE_004497	GENE_004507

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TRIAL EX. NO.	DATE	DESCRIPTION	BATES START	BATES END
237	1/20/2016	Karen Hall's notes re Tim Pruitt	GENE 001084	GENE 001084
238	1/20/2016	Email from Steve Graeff to Tim Pruitt with attachments of the N6 job description and the System Specialist leveling document, as forwarded by Tim Pruitt to Karen Hall	GENE 002810	GENE 002816
239	1/20/2016	Email from Tim Pruitt to Karen Hall forwarding October 5, 2015 email from Steve Graeff to Tim Pruitt with handwritten notes	GENE 001085	GENE 001087
240	1/26/2016	Karen Hall's notes re Steve Graeff	GENE 001082	GENE 001083
241	2015	Tim Pruitt's 2015 Performance Review	GENE 000106	GENE 000110
242	3/1/2016	Email from Steve Graeff to Karen Hall cc Kim Simmons re heads up and question about attendance	GENE 002821	GENE 002821
243	2016	Tim Pruitt's 2016 Compensation Statement	GENE 001973	GENE 001976
244	3/2/2016	Karen Hall's notes re Steve Graeff re Tim Pruitt	GENE 001071	GENE 001071
245	3/15/2016	Email chain involving Kim Simmons and Rudy Evangelista re Follow-Up	GENE 004748	GENE 004749
246	3/18/2016	Karen Hall's notes re Steve Graeff - Tim Pruitt	GENE 001070	GENE 001070
247	3/21/2016	Email from Steve Graeff to Karen Hall re help with communication letter with attached Tim Pruitt written warning letter 3.x.2016	GENE 002823	GENE 002825
248	3/24/2016	Email from Steve Graeff to Kim Simmons and Karen Hall forwarding Steve Graeff's email to Tim Pruitt re Summary of our 1:1 discussion today	GENE 001079	GENE 001080
249	Various	Email chain involving Steve Graeff, Karen Hall, and Kim Simmons re help with communication letter	GENE 002854	GENE 002857

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TRIAL EX NO	DATE	DESCRIPTION	BATES START	BATES END
250	3/24/2016	Email chain involving Karen Hall, Kim Simmons, Steve Graeff, and Tim Pruitt re Summary of our 1:1 discussion today	GENE_002831 A	GENE_002831 C
251	3/30/2016	Karen Hall's notes re Kim and Steve re Tim Pruitt	GENE 001077	GENE 001078
252	5/2/2016	Dr. Joel Fine Return to Work Release Form for Tim Pruitt	Fine 000051	Fine 000051
253	5/17/2016	Joe Rodriguez's notes re Tim Pruitt	GENE 001010	GENE 001011
254	5/23/2016	Joe Rodriguez's notes re Tim Pruitt	GENE 001007	GENE 001009
255	5/18/2016	Email from Steve Graeff to Tim Pruitt, Nathaniel Gloria, Matt Wehner, and Rudy Evangelista re Reminder to start and end your shift at your desk - Complete timesheets, weekly, forwarded to Joe Rodriguez on May 23, 2016	GENE 002910	GENE 002910
256	6/1/2016	Email from Karen Hall to Angela Mauro cc Joe Rodriguez re Follow-up	GENE 002911	GENE 002911
257	6/1/2016	Email chain involving Angela Mauro, Karen Hall, and Tim Pruitt re Follow-up	GENE 002869	GENE 002870
258	6/2/2016	Email from Karen Hall to Tim Pruitt cc Angela Mauro re Follow-up	GENE 002867	GENE 002868
259	6/6/2016	Joe Rodriguez's notes re Steve Graeff	GENE 000941	GENE 000943
260	3/24/2016	Email from Steve Graeff to Tim Pruitt, forwarded by Tim Pruitt to Joe Rodriguez on June 8, 2016, re Summary of our 1:1 discussion today	GENE 002934	GENE 002935
261	6/8/2016	Joe Rodriguez's notes re Tim Pruitt call	GENE 001002	GENE 001006
262	6/8/2016	Email from Joe Rodriguez to northamerica.askhr@roche.com re assistance	GENE 002931	GENE 002931
263	6/15/2016	Email from Joe Rodriguez to Kim Simmons re Time to talk	GENE 002953	GENE 002953
264	6/15/2016	Joe Rodriguez's notes re Kim Simmons call	GENE 001000	GENE 001001

TRIAL EX NO	DATE	DESCRIPTION	BATES START	BATES END
265		Joe Rodriguez notes re Ask Steve Graeff	GENE_001076	GENE_001076
266	6/16/2016	Joe Rodriguez's notes re Steve Graeff call	GENE_000994	GENE_000999
267	2016	Matt Wehner, Tim Pruitt, and Rudy Evangelista time records	GENE_001014	GENE_001031
268	6/28/2016	Email from Steve Graeff to Tim Pruitt re Time Card forwarded to Joe Rodriguez June 29, 2016	GENE_002968	GENE_002969
269	7/6/2016	Joe Rodriguez's notes re Hailey McKibben - Payroll call	GENE_000957	GENE_000957
270	7/7/2016	Joe Rodriguez's notes re Tim Pruitt call	GENE_000949	GENE_000953
271	Various	Email chain involving Steve Graeff, Tim Pruitt, and Joe Rodriguez re Time card	GENE_003041	GENE_003042
272	7/12/2016	Joe Rodriguez's notes re Tim Pruitt call	GENE_000955	GENE_000955
273	7/14/2016	Joe Rodriguez's notes re Steve Graeff call	GENE_000962	GENE_000966
274	7/14/2016	Joe Rodriguez's notes re Hailey McKibben call	GENE_000956	GENE_000956
275	Various	Email chain involving Steve Graeff, Joe Rodriguez, and Kim Simmons re update	GENE_002994	GENE_002996
276	Various	Email chain involving Steve Graeff, Joe Rodriguez, and Kim Simmons re update with attached Tim Pruitt's time card for the week of July 11, 2016	GENE_003056	GENE_003060
277	7/18/2016	Email chain involving Joe Rodriguez, Tim Pruitt, and Steve Graeff re timecard	GENE_003043	GENE_003044
278	7/18/2016	Joe Rodriguez's notes re Tim Pruitt call	GENE_000975	GENE_000975
279	7/18/2016	Email chain involving Joe Rodriguez, Tim Pruitt, and Steve Graeff re timecard	Pruitt00022	Pruitt00022
280	7/18/2016	Joe Rodriguez's notes re Pat McGuire call	GENE_000969	GENE_000969

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TRIAL EX. NO.	DATE	DESCRIPTION	BATES START	BATES END
281	Various	Email chain involving Joe Rodriguez, John Huther, Pat McGuire, and Hailey McKibben re Time Card Entries	GENE 003023	GENE 003029
282	7/18/2016	Joe Rodriguez's notes re Tim Pruitt call	GENE 000972	GENE 000974
283	7/18/2016	Joe Rodriguez's notes re Steve Graeff call	GENE 000970	GENE 000971
284	Various	Email chain involving Joe Rodriguez, John Huther, Pat McGuire, and Hailey McKibben re Time Card Entries	GENE 003066	GENE 003072
285	7/2016	Joe Rodriguez's notes re Time Card Allegation	GENE 000948	GENE 000948
286	7/19/2016	Email from Steve Graeff to Rolando Sibuyan Jr. cc Joe Rodriguez re Confidential Request	GENE 003063	GENE 003063
287	Various	Email chain involving Rolando Sibuyan, Steve Graeff, and Joe Rodriguez re Confidential Request	GENE 002890	GENE 002892
288	7/20/2016	Joe Rodriguez's notes re Liberty Mutual	GENE 000945	GENE 000945
289	7/21/2016	Joe Rodriguez's notes re Steve Graeff call	GENE 000935	GENE 000936
290	Various	Email chain involving Rolando Sibuyan, Steve Graeff, and Joe Rodriguez re Confidential Request	GENE 003087	GENE 003089
291	7/22/2016	Joe Rodriguez's notes re Rolando Sibuyan call	GENE 000977	GENE 000978
292	7/22/2016	Joe Rodriguez's notes re Danielle Zielinski call	GENE 000976	GENE 000976
293	7/25/2016	Email chain involving Steve Graeff and Joe Rodriguez re Meeting Talking Points	GENE 003219	GENE 003219
294	7/25/2016	Email from Rolando Sibuyan Jr. to Joe Rodriguez re Information from Dixon	GENE 000944	GENE 000944
295	7/26/2016	Joe Rodriguez's notes re Tim Pruitt	GENE 000980	GENE 000980
296	7/26/2016	Joe Rodriguez's notes re Steve Graeff call	GENE 000934	GENE 000934

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297	7/26/2016	Joe Rodriguez's notes re Javier Vargaz - Security Specialist	GENE 000979	GENE 000979
298	7/26/2016	Dan Williams' notes re Tim/Steve/Dan Meeting	GENE 001919	GENE 001920
299	7/26/2016	Steve Graeff notes re Tuesday July 26, 2016	GENE 001977	GENE 001977
300	7/26/2016	Joe Rodriguez's notes re Steve Graeff call	GENE 000981	GENE 000981
301	7/26/2016	Email chain involving Joe Rodriguez, Kimberly Smith, Kim Simmons, Angela Mauro, Scott Kohler, Jeff Kennedy, Steven Graeff, equitycomp-d@gene.com, reloterm-d@gene.com, hropexit-d@gene.com re Time Sensitive - Your Action Required - Invol Term and Involuntary Exit E-mail Form	GENE 003152	GENE 003154
302	7/26/2016	Email chain involving Joe Rodriguez, Kimberly Smith, Kim Simmons, Angela Mauro, Scott Kohler, Jeff Kennedy, Steven Graeff, equitycomp-d@gene.com, reloterm-d@gene.com, hropexit-d@gene.com re Time Sensitive - Your Action Required - Invol Term and Involuntary Exit E-mail Form	GENE 002906	GENE 002907
303	7/27/2016	Email from Joe Rodriguez to Steve Graeff re Talking Points with attached Termination Tips and Talking Points for T. Pruitt	GENE 003203	GENE 003205
304	7/27/2016	Dan Williams' notes re Phone call to Tim's company iPhone	GENE 001921	GENE 001921
305	7/27/2016	Joe Rodriguez's notes re Tim Pruitt	GENE 000946	GENE 000946
306	Various	Joe Rodriguez Employee Relations file re Tim Pruitt	GENE 000933	GENE 001090
307		Personnel Alerts Recommended Procedures	GENE 004508	GENE 004512
308	Various	Steve Graeff notebook pages re Tim Pruitt	GENE 001942	GENE 001959
309	Various	Steve Graeff notebook pages re Matt Wehner	GENE 003818	GENE 003837



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310	Various	Steve Graeff notebook pages re Rudy Evangelista	GENE 004058	GENE 004063
311	7/11/2017	Feedback Tool: Summary for Will Smith	GENE 004491	GENE 004496
312	2012	Tim Pruitt's 2012 W-2	GENE 000244	GENE 000244
313	2013	Tim Pruitt's 2013 W-2	GENE 000282	GENE 000282
314	2014	Tim Pruitt's 2014 W-2	GENE 000338	GENE 000338
315	2015	Tim Pruitt's 2015 W-2	GENE 000396	GENE 000396
316	2016	Tim Pruitt's 2016 W-2	GENE 000453	GENE 000453
317	12/1/2014	Benefits Confirmation Statement - Pruitt, Timothy	GENE 000739	GENE 000740
318	11/11/2015	Benefits Enrollment Summary - Pruitt, Timothy	GENE 000741	GENE 000742
319	1/1/2016	U.S. Roche Medical and Prescription Plan Summary Plan Description effective January 1, 2016	GENE 001421	GENE 001484
320	1/1/2016	U.S. Roche Dental Plan Summary Plan Description effective January 1, 2016	GENE 001502	GENE 001520
321	1/1/2016	U.S. Roche Vision Plan Summary Plan Description effective January 1, 2016	GENE 001535	GENE 001546
322	10/21/2016	EDD My Claim Summary	Fine 000041	Fine 000041
323	11/3/2017	Letter from Social Security Administration to Timothy Anthony Pruitt re claim information	Fine 000014	Fine 000015
324	12/9/2017	Letter from Social Security Administration to Timothy A. Pruitt re Notice of Award (redacted)	Fine 000009	Fine 000009
325	11/28/2016	Robert Half Hourly Employment Agreement and Individual Assessment Form for Tim Pruitt	ROBERT_HAL F 000056	ROBERT_HAL F 000063
326	3/21/2017	Email from Amanda McCartney (Advantage Resourcing) to Tim Pruitt re Desktop opening in Fairfield	Pruitt00666	Pruitt00667

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TRIAL EX. No.	DATE	DESCRIPTION	BATES START	BATES END
327	4/13/2017	Email from Amanda McCartney (Advantage Resourcing Technical Staffing) to Tim Pruitt re First Day Reporting Instructions: 4/17 and background check forms	Pruitt00687	Pruitt00697
328	7/31/2017	Robert Half Hourly Employment Agreement and Individual Assessment Form for Tim Pruitt	ROBERT_HAL F 000137	ROBERT_HAL F 000146
329	7/16/2018	Tim Pruitt job search records from CareerBuilder	Pruitt00919	Pruitt00919
330	7/30/2018	Declaration of Custodian of Records from Advantage Technical Resourcing, Inc.	ADVANTAGE _RESOURCIN G 000051	ADVANTAGE _RESOURCIN G 000051
331		Advantage Technical Resourcing, Inc. records re Tim Pruitt	ADVANTAGE _RESOURCIN G 000096	ADVANTAGE _RESOURCIN G 000114
332	Various	Monster.com records re Tim Pruitt	MONSTER_00 0001	MONSTER_00 0036
333	Various	Robert Half International Inc. Declaration of Custodian of Records and accompanying records regarding Timothy A. Pruitt	ROBERT_HAL F 000001	ROBERT_HAL F 000025
334	8/8/2016	Dr. Joel Fine Progress Note re Tim Pruitt	Fine_000045	Fine_000045
335	10/26/2016	Dr. Joel Fine Progress Note re Tim Pruitt	Fine_000038	Fine_000038
336	3/27/2017	Letter from Alexis Rabourn to Dr. Joel Fine re Timothy Pruitt	Pruitt00649	Pruitt00649
337	8/17/2017	Letter from Alexis Rabourn to Dr. Joel Fine re Timothy Pruitt	Pruitt00645	Pruitt00645
338	8/22/2017	Dr. Joel Fine Progress Note re Tim Pruitt	Fine_000030	Fine_000030
339	10/31/2017	Letter from Alexis Rabourn to Dr. Joel Fine re Timothy Pruitt	Rabourn 000050	Rabourn 000050
340	1/16/2018	Letter from Alexis Rabourn to Dr. Joel Fine re Timothy Pruitt	Rabourn 000049	Rabourn 000049
341	4/9/2018	Dr. Joel Fine Progress Note re Tim Pruitt	Fine_000004	Fine_000004
342	6/1/2018	Dr. Joel Fine Progress Note re Tim Pruitt	Fine_000003	Fine_000003
343	7/31/2018	MMPI-2-RF Interpretive Report	N/A	N/A

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TRIAL EX. NO.	DATE	DESCRIPTION	BATES START	BATES END
344	9/28/2018	Raley's Certificate of No Records	N/A	N/A
345	3/28/2017	Neil Jagpal's HCO Investigations Case Report re Barbara Malone (redacted)	GENE 004588	GENE 004590
346	3/28/2017	Neil Jagpal's HCO Investigations Case Report re Leslie DiGianni (redacted)	GENE 004620	GENE 004622
347	Various	Gang Lu's Employee Relations file (redacted)	GENE 004591	GENE 004619
348	Various	Maribel Villalpando's Employee Relations file (redacted)	GENE 004623	GENE 004639
349	Various	Nicholas Song's Employee Relations file (redacted)	GENE 004640	GENE 004693
350	Various	Shiba Randhawa's Employee Relations file (redacted)	GENE 004694	GENE 004727
351	Various	Portions of Matt Wehner's Employee Relations file (redacted)	GENE 004181	GENE 004472
352		Matt Wehner's text messages	GENE 004513	GENE 004517
353		Notes re Matt Wehner	GENE 004115	GENE 004120
354	7/17/2018	Surveillance Video of Matt Wehner	GENE 004476	GENE 004476
355	7/17/2018	Surveillance Video of Matt Wehner	GENE 004477	GENE 004477
356	7/27/2018	Surveillance Video of Matt Wehner	GENE 004478	GENE 004478
357	8/1/2018	Surveillance Video of Matt Wehner	GENE 004479	GENE 004479
358	8/1/2018	Surveillance Video of Matt Wehner	GENE 004480	GENE 004480
359	8/7/2018	Surveillance Video of Matt Wehner	GENE 004481	GENE 004481
360	8/9/2018	Surveillance Video of Matt Wehner	GENE 004482	GENE 004482
361	8/10/2018	Surveillance Video of Matt Wehner	GENE 004483	GENE 004483
362	8/15/2018	Surveillance Video of Matt Wehner	GENE 004484	GENE 004484
363	8/28/2018	Personnel Alert for Matt Wehner	GENE 004473	GENE 004475
364	2016	Demonstrative: Timeline of events in 2016	N/A	N/A
365	7/13/2016	Demonstrative: Graphic summary of Pruitt time reporting on July 13, 2016	N/A	N/A

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TRIAL EXHIBIT NO.	DATE	DESCRIPTION	DATE START	DATE END
366	7/26/2016	Demonstrative: Summary of cafeteria misconduct incident	N/A	N/A
367	7/26/2016	Demonstrative: Summary of July 26, 2016 meeting	N/A	N/A
368		Demonstrative: Graphic summary of prior time reporting counseling	N/A	N/A
369		Demonstrative: Key players and personnel	N/A	N/A
370		Demonstrative: Timeline of key events	N/A	N/A
371		Demonstrative: Summary and background for witness Steve Graeff	N/A	N/A
372		Demonstrative: Summary and background for witness Dan Williams	N/A	N/A
373		Demonstrative: Summary and background for witness Joe Rodriguez	N/A	N/A
374		Demonstrative: Summary and background for witness Karen Hall	N/A	N/A
375		Demonstrative: Jury instructions regarding claims and defenses	N/A	N/A
376		Demonstrative: List of testimony expected from Timothy Pruitt	N/A	N/A
377		Demonstrative: List/summary of expected testimony from key witnesses	N/A	N/A
378		Demonstrative: Magazine covers, Diversity Inc. and ComputerWorld articles	N/A	N/A
379		Demonstrative: Chart of Pruitt job applications (based on Cohen-Steiner expert reports)	N/A	N/A
380		Demonstrative: Counts of job advertisements for jobs within a 60-mile drive of Suisun City, CA (based on Cohen-Steiner reports)	N/A	N/A
381		Demonstrative: Unemployment rates (based on Cohen-Steiner reports)	N/A	N/A

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TRIAL EX. NO.	DATE	DESCRIPTION	DATES START	DATES END
382		Demonstrative: Chart of unemployment duration (based on Cohen-Steiner reports)	N/A	N/A
383		Demonstrative: Chart of ERI salary data in selected California cities (based on Cohen-Steiner reports)	N/A	N/A
384		Demonstrative: Chart of damages calculations based on O'Bryan expert report	N/A	N/A
385		Demonstrative: Summary of findings by expert psychiatrist Dr. Kalish	N/A	N/A
386		Demonstrative: Collection of excerpts from Pruitt performance reviews	N/A	N/A
387		Demonstrative: Excerpts from Genentech Code of Conduct	N/A	N/A
388		Demonstrative: Excerpts from Genentech Employee Behavior and Disciplinary Action Policy	N/A	N/A
389		Demonstrative: Excerpts from Genentech Equal Employment Opportunity Policy and Non-Discrimination Policy	N/A	N/A
390		Demonstratives: Excerpts from case exhibits, including letters, memos, emails, security logs.	N/A	N/A
391		Demonstrative: Area map showing the Vacaville and Dixon locations	N/A	N/A
392		Demonstrative: Security video footage from 7/21/2016 (Vacaville cafeteria)	N/A	N/A
393		Demonstrative: Summary of Timothy Pruitt's employment at Genentech	N/A	N/A
394		Demonstrative: Summary/list/chart of testimony from witnesses Ramirez, Vargaz, Rodriguez, Williams and/or Graeff	N/A	N/A
395		Demonstrative: Slide identifying Genentech	N/A	N/A



**EXHIBIT C**

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**EXHIBIT C**

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19 Attorneys for Defendant  
GENENTECH, INC.

20 UNITED STATES DISTRICT COURT  
21 EASTERN DISTRICT OF CALIFORNIA

22 TIMOTHY PRUITT,

23 Plaintiff,

24 v.

25 GENENTECH, INC.; AND DOES 1  
THROUGH 10, INCLUSIVE,

26 Defendants.  
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Case No. 2:17-CV-00822-JAM-AC

**AMENDED JOINT TRIAL EXHIBIT  
LIST**

Trial Date: April 1, 2019  
Time: 9:00 a.m.  
Courtroom: 6, 14th floor  
Judge: Hon. John A. Mendez

Date Action Filed: April 19, 2017  
Trial Date: April 1, 2019



1 Plaintiff Timothy Pruitt and Defendant Genentech, Inc. hereby submit their Amended  
 2 Joint Trial Exhibit List, as follows:

TRIAL EX. NO.	DATE	DESCRIPTION	BATES START	BATES END
1.		Equal Employment Opportunity Policy and Non-Discrimination Policy	GENE_001597	GENE_001597
2.		Performance Management and Corrective Action	GENE_001565	GENE_001566
3.		Corrective Action	GENE_001599	GENE_001602
4.		Systems Specialist I Job Description	GENE_000242	GENE_000243
5.		Tim Pruitt Resume	GENE_001929	GENE_001930
6.	2013	Response to 2012 Performance Review – Tim Pruitt	GENE_002763	GENE_002767
7.	6/1/2016	Email from Tim Pruitt to Karen Hall cc Angela Mauro attaching Memorandum re Grievance	GENE_002873	GENE_002874
8.	6/15/2016	Joe Rodriguez's handwritten notes re call with Tim Pruitt	GENE_000989	GENE_000993
9.	6/17/2016	Email from Joe Rodriguez to northamerica.askhr@roche.com re Request	GENE_002974	GENE_002974
10.	Various	Email chain involving Tim Pruitt, Steve Graeff, and Joe Rodriguez re timecard reminder	GENE_002885	GENE_002886
11.	7/1/2016	Email from Ask HR to Tim Pruitt re AskHR has completed your request: Time Working Time (Request #138623), forwarded July 7, 2016 by Tim Pruitt to Joe Rodriguez	GENE_003035	GENE_003035
12.	7/13/2016	Email from Steve Graeff to Joe Rodriguez cc Kim Simmons re update	GENE_003005	GENE_003005
13.	Various	Email chain involving Joe Rodriguez, Steve Graeff, and Kim Simmons re update	GENE_003000	GENE_003001
14.	Various	Email chain involving Kim Simmons, Joe Rodriguez, and Steve Graeff re update	GENE_002888	GENE_002889

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TRIAL EX NO.	DATE	DESCRIPTION	BATES START	BATES END
15.	7/18/2016	Email from Steve Graeff to Tim Pruitt re timecard, forwarded July 18, 2016 by Tim Pruitt to Joe Rodriguez	GENE_003036	GENE_003036
16.	Various	Emails from Matt Wehner re work attendance	GENE_001032	GENE_001054
17.		Joe Rodriguez handwritten note re Matt Wehner - Per emails provided by T. Pruitt	GENE_001075	GENE_001075
18.	7/21/2016	Genentech cafeteria surveillance video	GENE_001985	GENE_001985
19.	7/21/2016	Genentech hallway surveillance video	GENE_001986	GENE_001986
20.	7/22/2016	Incident Report	GENE_001987	GENE_001987
21.	7/25/2016	Email from Joe Rodriguez to Steve Graeff re Meeting Talking Points with attachment of Tips and Talking Points for T. Pruitt Discussion	GENE_003080	GENE_003082
22.	7/25/2016	Joe Rodriguez's handwritten notes re call with Steve Graeff	GENE_000940	GENE_000940
23.	7/25/2016	Email from Joe Rodriguez to Tim Pruitt re Outcome	GENE_003213	GENE_003213
24.	7/26/2016	Joe Rodriguez's handwritten notes re voicemail and call with Tim Pruitt	GENE_000937	GENE_000939
25.	7/26/2016	Memorandum from Joe Rodriguez to Tim Pruitt re Results of Internal Investigation	GENE_000947	GENE_000947
26.	7/27/2016	Steve Graeff typewritten notes re Phone call to Tim Pruitt regarding final decision and termination	GENE_001939	GENE_001939
27.	7/27/2016	Email chain involving Javier Vargaz and Joe Rodriguez re Tim Pruitt	GENE_003129	GENE_003129
28.	8/1/2016	COBRA Notice to Timothy Pruitt & Family	GENE_003881	GENE_003890
29.	2012	Tim Pruitt's 2012 Compensation Statement	GENE_001663	GENE_001665
30.	2013	Tim Pruitt's 2013 Compensation Statement	GENE_003872	GENE_003872

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TRIAL EX NO	DATE	DESCRIPTION	BATES START	BATES END
31.	2012	2012 Payment Summaries for Tim Pruitt	GENE_000247	GENE_000281
32.	2013	2013 Payment Summaries for Tim Pruitt	GENE_000284	GENE_000337
33.	2014	2014 Payment Summaries for Tim Pruitt	GENE_000340	GENE_000395
34.	2015	2015 Payment Summaries for Tim Pruitt	GENE_000399	GENE_000452
35.	2016	2016 Payment Summaries for Tim Pruitt	GENE_000455	GENE_000488
36.	2009	2009 RSU Grant Notice	GENE_003891	GENE_003891
37.	2009	2009 S-SAR Grant Notice	GENE_003892	GENE_003892
38.	2010	2010 RSU Grant Notice	GENE_003893	GENE_003893
39.	2010	2010 S-SAR Grant Notice	GENE_003894	GENE_003894
40.	2011	2011 S-SAR Grant Notice	GENE_003895	GENE_003895
41.	2012	2012 S-SAR Grant Notice	GENE_003896	GENE_003896
42.	2014	2014 S-SAR/RSU Grant Notice	GENE_003897	GENE_003897
43.	2015	2015 S-SAR/RSU Grant Notice	GENE_003898	GENE_003898
44.	2016	2016 S-SAR/RSU Grant Notice	GENE_003899	GENE_003899
45.	2009	Year End 2009 Statement for Tim Pruitt	GENE_003990	GENE_003992
46.	2010	Year End 2010 Statement for Tim Pruitt	GENE_003993	GENE_003995
47.	2011	Year End 2011 Statement for Tim Pruitt	GENE_003996	GENE_003998
48.	2012	Year End 2012 Statement for Tim Pruitt	GENE_003999	GENE_004002
49.	2013	Year End 2013 Statement for Tim Pruitt	GENE_004003	GENE_004006
50.	2014	Year End 2014 Statement for Tim Pruitt	GENE_004007	GENE_004010
51.	2015	Year End 2015 Statement for Tim Pruitt	GENE_004011	GENE_004015
52.	2016	Year End 2016 Statement for Tim Pruitt	GENE_004016	GENE_004023
53.	2017	Year End 2017 Statement for Tim Pruitt	GENE_004024	GENE_004027
54.	7/27/2016	Tim Pruitt Roche LTI Awards	GENE_003989	GENE_003989
55.	7/14/2018	Equatex Stock Portfolio Statement for Tim Pruitt	GENE_003900	GENE_003903
56.		Roche S-SAR Plan	GENE_003975	GENE_003988

TRIAL EXHIBIT NO.	DATE	DESCRIPTION	DATES START	DATES END
57.	8/17/2009	Plan Description of the Roche Restricted Stock Unit Plan	GENE_003920	GENE_003924
58.	8/17/2009	Plan Description of the Roche S-SAR Plan and 2009 Addendum United States	GENE_003942	GENE_003947
59.	9/1/2009	Roche Restricted Stock Unit Plan "Roche RSU Plan"	GENE_003925	GENE_003937
60.	9/1/2009	Roche S-SAR Plan 2009 Addendum United States	GENE_003970	GENE_003974
61.	9/16/2009	RSU Plan Agreement	GENE_003919	GENE_003919
62.	9/16/2009	S-SAR Plan Agreement	GENE_003940	GENE_003941
63.	1/1/2013	Roche Restricted Stock Unit Plan "Roche RSU Plan"	GENE_003904	GENE_003918
64.	1/1/2013	Roche S-SAR Plan	GENE_003948	GENE_003964
65.	1/1/2013	Roche Restated and Amended S-SAR Plan 2013 Addendum United States	GENE_003965	GENE_003969
66.	3/6/2014	Roche Long Term S-SAR & RSU Plan Agreement	GENE_003938	GENE_003939
67.		Tim Pruitt Resume	Pruitt00567	Pruitt00568
68.	Various	Tim Pruitt job search records October 2016 - May 2017	Pruitt00444	Pruitt00551
69.	Various	Tim Pruitt job search records from July 2017 - May 2018	Pruitt00733	Pruitt00857
70.	Various	Tim Pruitt job search records from May 2018 - October 2018	Pruitt00935	Pruitt01077
71.	Various	Tim Pruitt job search records from October 2018 - February 2019	Pruitt01092	Pruitt01223
72.	8/21/2017	Tim Pruitt job search records with Zymergen	Pruitt00918	Pruitt00918
73.	8/3/2018	Alameda County Human Resource Services My Applications	Pruitt00917	Pruitt00917
74.	Various	Alameda County Human Resource Services Department Declaration of Custodian of Records and Document Production	ALAMEDA_CO UNTY_000001	ALAMEDA_C OUNTY_0000 30
75.	Various	Tim Pruitt job search summary from Monster.com from January 2017 - July 2018	Pruitt00858	Pruitt00865

TRIAL EX. NO.	DATE	DESCRIPTION	BATES START	BATES END
76.	3/22/2017	Email from Advantage Resourcing to Tim Pruitt re Onsite Interview with Conduent: 3/23 @ 10AM	Pruitt00668	Pruitt00673
77.	2017	Advantage Resourcing pay statements for Tim Pruitt	Pruitt00573	Pruitt00582

Dated: March 5, 2019

LEVY VINICK BURRELL HYAMS LLP

By: /s/ Jean K. Hyams (as authorized on Mar. 5, 2019)  
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Dated: March 5, 2019

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Dated: March 5, 2019

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