

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

<p>Willie D. JOHNSON,</p>	<p>Case No. 3-98-cv-4043-SI</p>
<p>v.</p>	<p><u>DEATH-PENALTY CASE</u></p>
<p>Vincent CULLEN, Acting Warden,</p>	<p>[PROPOSED] ORDER RE DISCOVERY</p>
<p>Petitioner,</p>	<p>Respondent.</p>

Good cause appearing therefor,

By **March 7, 2011**, Petitioner shall provide Respondent with a report from each expert Petitioner intends to call as a witness at the evidentiary hearing in this matter. All expert reports shall comply with Fed. R. Civ. P. 26(a)(2)(B). By the same date, Petitioner shall provide to Respondent all material, including raw test data, notes, and tape or audio recordings of interviews or tests, that such proposed experts have reviewed or relied upon in reaching their respective opinions and preparing their reports. If any such material has already been exchanged (e.g., trial counsel’s files or the transcript of trial), Petitioner may identify such material in writing to Respondent in lieu of providing redundant material. As to Petitioner’s proposed expert Michael Burt only, the report and underlying materials described above shall be provided to Respondent by **March 15, 2011**. To the extent any of the above materials in the possession of Petitioner’s

1 mental health experts are not, according to professional guidelines, to be disclosed to someone
2 who is not a licensed mental health professional, all such materials are to be provided, by **March**
3 **7, 2011**, directly to Respondent's mental health expert Daniel A. Martel, Ph.D. at Forensic
4 Neuroscience Consultants, Inc., 2906 Lafayette, Newport Beach, California 92663.

5 By **March 7, 2011**, Respondent shall provide to Petitioner in writing a detailed list of
6 evidentiary objections to each declaration of Petitioner's nonexpert "social history" witnesses, not
7 to include trial counsel or Petitioner's jurors. The parties shall meet and confer concerning
8 Respondent's objections and attempt to reach a joint stipulation concerning whether and to what
9 extent each declaration will be admissible in lieu of live testimony and/or cross-examination.
10 Any such stipulation shall be reached by **March 14, 2011**, after which time Respondent may
11 request this Court's permission to file motion in limine concerning the admissibility of those
12 declarations over which the parties are unable to reach a joint stipulation.

13 By **April 29, 2011**, Petitioner shall identify in writing to Respondent all nonexpert witness
14 Petitioner intends to produce live at the evidentiary hearing.

15 By **April 29, 2011**, Respondent shall complete its depositions of Petitioner's proposed
16 expert witnesses. If one or both parties are unable to meet this deadline, the parties shall attempt
17 to reach a joint stipulation modifying the date. If the parties are unable to reach such an
18 agreement, the party seeking to modify the deadline shall seek relief with this Court by written
19 motion.

20 By **May 31, 2011**, Respondent shall complete its depositions of Petitioner's nonexpert
21 witnesses, including trial counsel and Petitioner Willie D. Johnson. If one or both parties are
22 unable to meet this deadline, the parties shall attempt to reach a joint stipulation modifying the
23 date. If the parties are unable to reach such an agreement, the party seeking to modify the
24 deadline shall seek relief with this Court by written motion.

25 **IT IS SO ORDERED.**

26
27 Dated: 1/28/11

28 
SUSAN ILLSTON
United States District Judge

