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14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA

16 SHIRLEY "RAE" ELLIS, et al.,)
)
 17 Plaintiffs,)
)
 18 v.)
)
 19 COSTCO WHOLESALE CORPORATION)
)
 20 Defendant.)
)

Case No. C04 3341 EMC
**STIPULATION AND PROPOSED
 ORDER REGARDING
 EXPERT TESTIMONY AT TRIAL**

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STIPULATION

With respect to the bench trial on the claims of Elaine Sasaki, set for July 27, 2015, the parties have designated four experts. For each expert, the parties—on about March 23, 2015, or April 8, 2015—served a report containing that expert’s opinions (“the Expert Reports”). Three of these experts—Ali Saad, Richard Martell, Greg Mitchell—are the subject of this stipulation. The fourth designated expert, Amy Oppenheimer, is not affected by this stipulation.

Subject to the Court’s approval, the parties have agreed that, in lieu of calling Drs. Saad, Martell, and Mitchell to testify at trial, they will instead submit to the Court their Expert Reports.

Each party reserves the right to comment on the contents of the Expert Reports, during argument or briefing. Each party also reserves the right to object to any part of an Expert Report on the basis that it is not admissible under Rule 702 of the Federal Rules of Evidence, but the parties agree that no *Daubert* motion in limine will be filed to exclude any of the Expert Reports in its entirety. The parties understand that the Court may invite further argument on the significance of the Expert Reports if it deems that argument appropriate.

The parties agree that the Court may consider the previously submitted expert reports of Reskin and Landy (Docket Nos. 135, 151, 152, 463-3) to the extent that the Court finds that consideration necessary to evaluate any Expert Report’s reliance on either the Reskin or Landy reports.

References to material that any claimant or Costco has submitted with respect to arbitration claims will not be considered. In particular, any references to that material in the Mitchell Expert Report will be redacted before that report is submitted to the Court.

The three Expert Reports at issue will be submitted at or before the time that the parties submit their trial briefs. For each Expert Report, the parties will also submit a declaration of counsel attaching any deposition testimony cited in the respective Expert Report.

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1 Should the Court not approve this Stipulation, the parties agree that no rights have been
2 waived as to calling or objecting to the Expert Reports.

3 **IT IS SO STIPULATED.**

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5 Dated: June 2, 2015

s/ Jocelyn D. Larkin

Attorneys for Plaintiff Elaine Sasaki

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8 Dated: June 2, 2015

s/ David Kadue

Attorney for Defendant Costco Wholesale Corp.

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11 **[~~PROPOSED~~] ORDER**

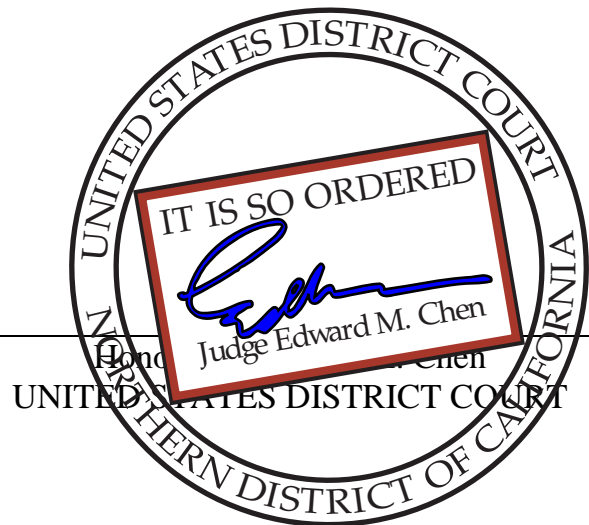
12 **PURSUANT TO THE PARTIES' STIPULATION AND GOOD CAUSE**

13 **APPEARING,**

14 The parties' agreement regarding the Expert Reports of Ali Saad, Richard Martell,
15 and Gregory Mitchell is approved.

16 **IT IS SO ORDERED.**

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22 Dated: June ³ , 2015



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CERTIFICATE OF SERVICE

I hereby certify that on June 2, 2015, I electronically transmitted the attached document to the Clerk’s Office using the CM/ECF System for filing and transmittal and a Notice of Electronic Filing was electronically transmitted from the court to the e-mail addresses on file.

s/ Jocelyn D. Larkin

Jocelyn D. Larkin