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

JOHN DANIEL VILLA, JR.,
Plaintiff,

No. C 07-01436 WHA

v.

LINDA ROWE, JENNIFER SWINEY, and
BHAWNA JAIN,
Defendants.

**ORDER REGARDING OBJECTION TO
TRIAL SUBPOENA FOR DEFENSE
EXPERT DR. WATKINS AND
OBJECTION TO PLAINTIFF'S
CALLING DR. WATKINS AS WITNESS
IN PLAINTIFF'S CASE IN CHIEF**

On January 30, 2012, plaintiff subpoenaed Dr. Harlan B. Watkins to appear and testify in the trial commencing February 21. The subpoena requires Dr. Watkins to bring the documents identified therein. Dr. Watkins was previously retained as a defense medical expert. Each defendant named Dr. Watkins as a witness for its case in chief.

Defendant Jennifer Swiney, MD, has objected to plaintiff's trial subpoena for Dr. Watkins and has also objected to plaintiff calling Dr. Watkins in plaintiff's case in chief on the grounds that Dr. Watkins is "neither a party of record or person identified with the party of record" and plaintiff did not identify Dr. Watkins as a trial witness. Plaintiff has filed a response to the objection. The objection will be ruled on the morning of trial.

IT IS SO ORDERED.

Dated: February 15, 2012.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE