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Attorneys for Federal Defendants

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

SASKIA RUSSELL ET AL.,)	No. 08-5651 TEH (JL)
)	
Plaintiffs,)	
)	STIPULATION AND [PROPOSED]
v.)	ORDER REGARDING DISCOVERY
)	DISPUTES
UNITED STATES OF AMERICA,)	
)	
Defendant.)	

IT IS HEREBY STIPULATED by and between the undersigned, subject to the Court's approval, that the parties have resolved a number of disputes about outstanding discovery and disclosure issues as follows:

1. Plaintiffs will fully comply with their obligation to provide a computation of each category of damages and make available for inspection and copying material on which each computation is based. *See* Rule 26(a)(1)(A)(iii). Plaintiffs will serve the computation and documents on Defendant no later than February 5, 2010.

2. Plaintiffs will withdraw their objections to the interrogatories served on each Plaintiff on or about November 18, 2009 and will fully and completely respond to the interrogatories no later than February 5, 2010.

1 3. Plaintiffs will withdraw their objections to the document request served on Plaintiffs on
2 or about November 18, 2009 and will produce all non-privileged responsive documents no later
3 than February 5, 2010, as well as a privilege log.

4 4. Plaintiff Saskia Russell will sign consent forms for all of the medical professionals she or
5 any other Plaintiff has seen at any time and will sign and return such forms promptly (within 5
6 calendar days) after they are provided by Defendant.

7 5. Plaintiff Saskia Russell on behalf of herself and the other Plaintiffs will execute a
8 declaration attesting that Plaintiffs seek only “garden variety” emotional distress and that (a)
9 Plaintiffs do not claim unusually severe emotional distress, (b) Plaintiffs do not allege a specific
10 mental or psychiatric injury or disorder and (c) Plaintiffs will not offer expert testimony
11 (including by an treating physician, retained or non-retained expert) to support a claim of
12 emotional distress. In exchange, Defendant will agree not to conduct a psychiatric IME of any
13 Plaintiff.

14 6. Plaintiff Saskia Russell and non-party Cale Russell shall appear at Defendant’s counsel’s
15 office on a date agreeable to the witnesses and counsel. The parties expect that this deposition
16 will take place in late February or early March, 2010.

17 7. Plaintiffs will not offer any evidence of any kind about the medical, emotional or
18 psychiatric condition of non-party Cale Russell at any point in this litigation, including trial.

19 8. Plaintiffs may take the deposition of non-party Kevin Sheehan on a date agreeable to Mr.
20 Sheehan and counsel. The parties expect that this deposition will take place in late February or
21 early March, 2010.

22 9. The deadline for either Party to move to compel compliance with any alleged lack of
23 compliance with the provisions of this Stipulation shall be 14 business days after receipt of the
24 discovery responses or notice of the alleged non-compliance with the terms of this stipulation.

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1 Dated: February 2, 2010

Respectfully submitted,

2 JOSEPH P. RUSSONIELLO
United States Attorney

3
4 By: /s/
Michael T. Pyle
5 Assistant U.S. Attorney
6 Attorneys for Federal Defendants

7 Dated: February 2, 2010

BRAYTON PURCELL, LLP

8
9 By: /s/
10 Clayton W. Kent
Attorneys for Plaintiffs

11
12 **PURSUANT TO STIPULATION, IT IS SO ORDERED**

13
14 DATED: 02/02/10

15 HON. THELTON E. HENDERSON
United States District Judge

