

1 GREGORY S. WALSTON, ESQ.
 ORESTES A. CROSS, ESQ.
 2 THOMAS J. O'BRIEN, ESQ.
 WALSTON CROSS
 3 735 Montgomery Street, Suite 250
 San Francisco, CA 94111
 4 (415) 956-9200
 Fax: (415) 956-9205
 5 Email: gwalston@walstonlaw.com
ocross@walstonlaw.com
 6 tobrien@walstonlaw.com
 ATTORNEYS FOR PLAINTIFFS
 7 JERRY THOMPSON and AILEEN KREWSON

FILED

JAN 06 2014

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

8 MELINDA HAAG (SBN 132612)
 United States Attorney
 9 ALEX G. TSE (SBN 152348)
 Chief, Civil Division
 10 JONATHAN U. LEE (SBN 148792)
 VICTORIA R. CARRADERO (SBN 217885)
 11 Assistant United States Attorneys
 450 Golden Gate Ave., 9th Floor
 12 San Francisco, CA 94102-3495
 Telephone: (415)436-6909
 13 Facsimile: (415)436-6748
 Email: jonathan.lee@usdoj.gov
 14 Attorneys for Defendant
 UNITED STATES OF AMERICA

15 UNITED STATES DISTRICT COURT
 16 NORTHERN DISTRICT OF CALIFORNIA
 17 SAN FRANCISCO DIVISION

18 AILEEN KREWSON,
 19
 20 Plaintiff,
 21 v.
 22 UNITED STATES OF AMERICA,
 23
 24 Defendant.

Case No. C 12-00301 JST

~~STIPULATION AND (PROPOSED)~~
**ORDER REGARDING DEPOSITION
 OF PLAINTIFF'S NON-RETAINED
 EXPERTS**

Trial Date: 2/10/2014

1 BY AND THROUGH THEIR COUNSEL OF RECORD, THE PARTIES STIPULATE AS
2 FOLLOWS:


- 3 1. Following the government shutdown in October 2013, the parties submitted a Stipulation and
4 Proposed Order to re-set certain pretrial deadlines in this case relating to expert witness
5 disclosure and discovery. (Dkt. 58) The Court signed the proposed order on October 28,
6 2013. (Dkt. 59) Under the terms of the stipulation and resulting order, the parties had until
7 November 19, 2013 to disclose expert witnesses, until November 26, 2013 to disclose rebuttal
8 expert witnesses and until December 17, 2013 to complete expert discovery.
- 9 2. On November 19, 2013, Plaintiff Krewson served a disclosure of Non-Retained Experts
10 Maria Alvarez, Ph.D. and Cary Wheeler, D.O., by regular mail.
- 11 3. On November 22, 2013, Defendant's counsel sent a letter to Plaintiff's counsel, via email,
12 lodging certain objections to the Plaintiff's November 19th disclosure.
- 13 4. On November 26, 2013, Plaintiff's counsel responded by email to the November 22nd
14 objections and indicated a willingness to provide the medical records relating to the care
15 provided by Drs. Alvarez and Wheeler to the Plaintiff. Defense counsel was out of town and
16 without access to the email when it arrived.
- 17 5. On December 9, 2013, Defense counsel sent a letter to Plaintiff's counsel, via email,
18 summarizing the parties' positions and requesting a response no later than December 23,
19 2013.
- 20 6. On December 20, 23, 26, and 30, 2013, counsel met and conferred by telephone regarding
21 Defendant's objections to Plaintiff's November 22nd disclosure of Non-Retained Experts. As
22 a result of those meet and confer discussions, the parties have reached the compromised
23 outlined below.
- 24 7. Maria Alvarez, PhD, will appear for her deposition at the U.S. Attorney's Office, 450 Golden
25 Gate Avenue, 9th Floor, San Francisco, CA 94102 at 11:00 a.m. on Friday, January 10, 2013.
26 Defendant has served a notice on Plaintiff's counsel and will have a subpoena served on Dr.
27 Alvarez at her place of employment. Dr. Alvarez has confirmed her availability for this date
28

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

~~(PROPOSED)~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

January 6, 2014



Hon. JON S. TIGAR
UNITED STATES DISTRICT JUDGE