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8 Attorneys for UNITED STATES OF AMERICA

9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA
 11 OAKLAND DIVISION

13 CRUZ HERNANDEZ, a minor, by and)
 through his Guardian Ad Litem, Alicia)
 14 Telles-Hernandez,)
)
 15 Plaintiff,)
 16)
 v.)
 17)
 UNITED STATES OF AMERICA,)
 18)
 Defendant.)
 19 _____)

No. C 06-3350 SBA

REVISED TRIAL STIPULATIONS

Trial Date: May 18, 2009

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1 The parties, modifying their Joint Pretrial Statement, Part 2 “Factual Basis of the
2 Action,” subpart D “Stipulations,” stipulate as follows:

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- 4 1. All records obtained in this action via subpoenas by the parties are deemed
5 authenticated. Other objections are reserved.
- 6 2. The parties stipulate that copies of the documents may be used at trial in place of
7 originals.
- 8 3. The parties stipulate that copies of deposition transcripts may be used at trial in
9 place of original transcripts.
- 10 4. The parties stipulate that lead trial counsel will notify lead trial counsel by 12:00
11 noon and in writing on each trial day of the witnesses to be called on the
12 following trial day, beginning with the day preceding the first day of trial.
- 13 5. Regarding Dr. Steele’s status as a defendant and the substitution of the United
14 States of America as a defendant in Dr. Steele’s place, as mentioned above, the
15 parties previously submitted a stipulation dated October 11, 2007, which the
16 Court signed as an order, the terms of which are incorporated by reference.
17 Docket #36.
- 18 6. To increase efficiency of the parties’ use of time at trial, the parties have agreed
19 that the Rule 26 reports of their expert economists may be offered in evidence, in
20 lieu of live testimony by the expert. Plaintiff’s expert is Wayne Lancaster.
21 Defendant’s expert is Mark Cohen.
- 22 7. To increase efficiency of the parties’ use of time at trial, the parties have agreed
23 that the Rule 26 reports of their expert medical doctors in the practice of psychiatry
24 may be offered in evidence, in lieu of live testimony by the expert. Plaintiff’s
25 expert is Kimberly BeDell, M.D. Defendant’s expert is Joseph Capell, M.D.
- 26 8. Regarding item number 7 above, with respect to the subject of the psychiatrists’
27 estimates of the life expectancy of Cruz Hernandez, the parties have reached
28 agreement that Cruz Hernandez’s life expectancy is 22 years of age, for purposes

