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 American Airlines, Inc.

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

PEILIN CHANG,  
 Plaintiff,  
 v.  
 AMERICAN AIRLINES, INC.,  
 Defendant.

Case No. 15-cv-02604-HSG

~~PROPOSED~~ **STIPULATION AND  
 ORDER REGARDING DEFENDANT  
 AMERICAN AIRLINES INC.'S  
 MOTION FOR SANCTIONS**

Date: March 10, 2017  
 Time: 9:30 a.m.  
 Courtroom G, 15th Floor

The Honorable Joseph C. Spero

The parties in the above-captioned matter hereby stipulate as follows:

1. WHEREAS Defendant American Airlines, Inc. ("Defendant") filed a motion for sanctions pursuant to Federal Rules of Civil Procedure, Rule 37 (Docket No. 45), currently scheduled to be heard by the Honorable Joseph C. Spero on March 10, 2017.
2. WHEREAS the relief sought by Defendant's motion was dismissal of Plaintiff's claim for loss of income, pursuant to FRCP Rule 37(b)(2)(A)(v) and FRCP Rule 37(c)(1)(C); or preclusion of Plaintiff from supporting her claim for loss of income, pursuant to FRCP Rule 37(b)(2)(A)(ii) and FRCP Rule 37(c)(1)(C).
3. WHEREAS the parties have reached the following stipulation, thereby resolving the issues raised in Defendant's motion for sanctions:

- 1 a. Plaintiff hereby dismisses her claim for loss of income, and will not seek to offer any  
2 evidence at trial of an alleged loss of income or other economic losses resulting from  
3 the reduction or closure of her medical practice.
- 4 b. Plaintiff withdraws her economist expert Phillip Allman, Ph.D. and will not seek to  
5 offer his testimony at trial or any other evidence regarding any opinions developed  
6 by Dr. Allman.
- 7 c. Plaintiff will not offer any evidence of any mental suffering or emotional distress  
8 caused by alleged economic/financial losses. Plaintiff is not hereby precluded from  
9 testifying regarding the alleged loss of her profession.
- 10 d. Based on these stipulations, Defendant agrees to withdraw its motion for sanctions.

11  
12 IT IS SO STIPULATED.

13  
14 Dated: March 9, 2017

BROWNSTEIN THOMAS, LLP

15  
16 By: /s/ Mark Thomas  
17 MARK THOMAS  
Attorneys for plaintiff Peilin Chang

18  
19 Dated: March 9, 2017

THE RYAN LAW GROUP

20  
21 By: /s/ Rebekka Martorano  
22 REBEKKA R. MARTORANO  
23 Attorneys for Defendant American Airlines,  
24 Inc.

1 **ORDER**

2 Based on the stipulation of the parties and good cause appearing, IT IS HEREBY ORDERED  
3 that:

- 4 a. Plaintiff's claim for loss of income is hereby dismissed. Plaintiff is precluded from  
5 offering any evidence at trial of an alleged loss of income or any other economic  
6 losses resulting from the reduction or closure of her medical practice.
- 7 b. The testimony of Phillip Allman, Ph.D. and any evidence regarding any opinions  
8 developed by Dr. Allman is precluded.
- 9 c. Plaintiff is precluded from offering any evidence of any mental suffering or  
10 emotional distress caused by alleged economic/financial losses. Plaintiff is not  
11 hereby precluded from testifying regarding the alleged loss of her profession.
- 12 d. Defendant's motion for sanctions is therefore moot and is taken off calendar.
- 13

14 **IT IS SO ORDERED.**

15  
16 Dated: 3/10/2017

  
Judge, United States District Court