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8 Attorneys for LDS and Donald C. Fossum

9 UNITED STATES DISTRICT COURT  
10 FOR THE EASTERN DISTRICT OF WASHINGTON

11 THOMAS A. WAITE,

12 Plaintiff,

13 vs.

14 THE CORPORATION OF THE  
15 PRESIDING BISHOP OF THE CHURCH  
16 OF JESUS CHRIST OF LATTER DAY  
17 SAINTS, a Utah corporation; THE  
18 CORPORATION OF THE PRESIDENT  
19 OF THE CHURCH OF JESUS CHRIST  
20 OF LATTER DAY SAINTS, a Utah  
21 corporation; DONALD C. FOSSUM; and  
22 STEVEN D. BRODHEAD,

23 Defendants.

Case No.: CV-05-399-EFS

DEFENDANTS' MOTION TO  
CONTINUE EXPERT  
DISCLOSURE DATES FOR  
NEUROPSYCHOLOGY  
OPINIONS

24 **I. RELIEF REQUESTED**

25 Given the complexity of this motor vehicle accident case, the critical  
26 importance of the parties' expert evidence and the full schedules of trial counsel,  
27 the Defendants respectfully request the following changes to the current  
28 Amended Scheduling Order as to the following dates for expert disclosure dates  
only:

Defense CR 26(a)(2) Expert Disclosures

concerning neuropsychological opinions: from 1/22/07 to 2/16/07

DEFENDANTS' MOTION TO CONTINUE  
EXPERT DISCLOSURE DATES FOR NEUROPSYCHOLOGY ...- 1

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**II. BASIS**

Defendant's neuropsychologist is not able to conduct his IME until February 7-8, 2007.

The further factual and legal basis supporting the requested relief are contained in the Affidavit of Brian T. Rekofke and Memorandum of Points and Authorities filed in support of this Motion.

**III. CONCLUSION**

Defendants respectfully request the Court revise the Amended Scheduling Order as set forth above.

A copy of the proposed Order Granting Defendant's Motion To Continue Expert Disclosure Dates For Neuropsychology is attached.

DATED this 16<sup>th</sup> day of January, 2007.

**WITHERSPOON, KELLEY, DAVENPORT  
& TOOLE**

By: /s/ Brian T. Rekofke  
Brian T. Rekofke, WSBA No. 13260  
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**PAINE, HAMBLIN, COFFIN, BROOKE  
& MILLER**

By: /s/ Andrew Smythe  
Andrew C. Smythe, WSBA No. 7948  
Attorneys for Steven D. Brodhead

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**CERTIFICATE OF SERVICE**

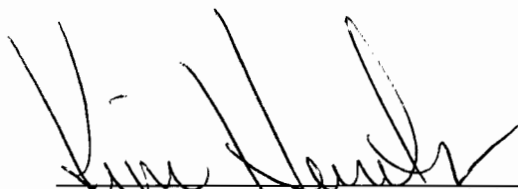
I hereby certify that on the 16<sup>th</sup> day of January, 2007:

- 1. I electronically filed the foregoing **Defendants' Motion to Continue Expert Disclosure Dates for Neuropsychology Opinions** with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

(for Waite) Richard C. Eymann and Stephen L. Nordstrom;  
(for Brodhead) Andrew C. Smythe

- 2. I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants at the address listed below: **None.**

- 3. I hereby certify that I have hand delivered the document to the following participants at the addresses listed below: **None.**



Kimberley L. Hunter, Legal Assistant  
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