

Brian T. Rekofke
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Attorneys for LDS and Donald C. Fossum

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

THOMAS A. WAITE,

Plaintiff,

vs.

THE CORPORATION OF THE
PRESIDING BISHOP OF THE CHURCH
OF JESUS CHRIST OF LATTER DAY
SAINTS, a Utah corporation; THE
CORPORATION OF THE PRESIDENT
OF THE CHURCH OF JESUS CHRIST
OF LATTER DAY SAINTS, a Utah
corporation; DONALD C. FOSSUM; and
STEVEN D. BRODHEAD,

Defendants.

Case No.: CV-05-399-EFS

AFFIDAVIT OF BRIAN T.
REKOFKE IN SUPPORT OF
DEFENDANTS' MOTION TO
CONTINUE EXPERT
DISCLOSURE DATES FOR
NEUROPSYCHOLOGY
OPINIONS

STATE OF WASHINGTON)
)
County of Spokane) :ss

Brian T. Rekofke, being first duly sworn upon oath, deposes and says:

1. I am one of the attorneys for the LDS Defendants and Donald Fossum and make this affidavit on personal knowledge.

2. Plaintiff has identified five (5) experts, including a forensic neuropsychologist, William Burkhart.

AFFIDAVIT OF BRIAN T. REKOFKE IN SUPPORT OF
DEFENDANTS' MOTION TO CONTINUE
EXPERT DISCLOSURE DATES FOR NEUROPSYCHOLOGY ...- 1

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WITHERSPOON, KELLEY, DAVENPORT & TOOLE
A PROFESSIONAL SERVICE CORPORATION
ATTORNEYS & COUNSELORS

1100 U.S. BANK BUILDING
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SPOKANE, WASHINGTON 99201-0302
(509) 624-5265

1 3. Dr. Burkhardt's opinions are based on his testing/evaluation of
2 plaintiff, Thomas Waite.

3 4. To respond to Plaintiff's neuropsychological expert, Defendants have
4 retained neuropsychologist Dr. Frederick Wise.

5 5. As with Plaintiff's experts, Dr. Wise needs to test/evaluate Thomas
6 Waite prior to being able to render opinions.

7 6. For this reason, Defendants respectfully request additional time to
8 disclose the expert report of Dr. Wise.

9 7. Dr. Wise is scheduled to conduct his examination of Thomas Waite
10 on February 7-8, 2007, in Seattle.

11 8. This is the earliest that Dr. Wise can test and evaluate Thomas Waite.

12 9. Dr. Wise has promised to expedite his IME report.

13 10. Defendants will file expert reports from their remaining experts on
14 January 22, 2007.

15 11. Defendants respectfully request additional time to submit expert
16 reports by Dr. Wise following his evaluation.

17 12. Defendants request the disclosure of Dr. Wise's opinions be
18 continued from January 22, 2007 to February 16, 2007.

19 13. This extension will not impact the discovery cut-off of May 11,
20 2007.

21 14. This extension will not impact the trial date of September 7, 2007.

22 15. Defendants will stipulate to an extension of time for Plaintiff to
23 designate rebuttal experts.

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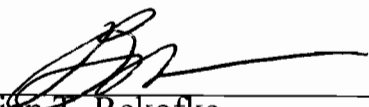
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27 AFFIDAVIT OF BRIAN T. REKOFKE IN SUPPORT OF
DEFENDANTS' MOTION TO CONTINUE

28 EXPERT DISCLOSURE DATES FOR NEUROPSYCHOLOGY ...- 2

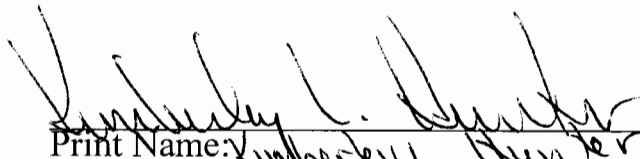
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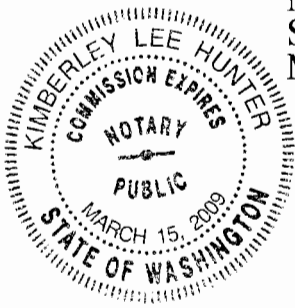


Brian T. Rekofke

SUBSCRIBED AND SWORN to before me this 16th day of January,
2007.



Print Name: Kimberley L. Hunter
NOTARY PUBLIC in and for the
State of Washington, residing in Spokane
My Commission expires: 3/15/09



AFFIDAVIT OF BRIAN T. REKOFKE IN SUPPORT OF
DEFENDANTS' MOTION TO CONTINUE
EXPERT DISCLOSURE DATES FOR NEUROPSYCHOLOGY ...- 3

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CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of January, 2007:

1. I electronically filed the foregoing **Affidavit of Brian T. Rekofke in Support of 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.**



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AFFIDAVIT OF BRIAN T. REKOFKE IN SUPPORT OF
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