

1 Brian T. Rekofke  
2 Ross P. White  
3 Witherspoon, Kelley, Davenport & Toole  
4 1100 US Bank Building  
5 422 West Riverside  
6 Spokane, WA 99201  
7 (509) 624-5265

8 Attorneys for The Church of Jesus Christ of  
9 Latter-day Saints and Donald C. Fossum

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

12 THOMAS A. WAITE,

13 Plaintiff,

14 vs.

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

25 Defendants.

Case No.: CV-05-399-EFS

LDS AND DONALD C.  
FOSSUM'S IDENTIFICATION  
OF EXPERT WITNESSES  
AND DISCLOSURE OF  
EXPERTS' PRELIMINARY  
REPORTS

26 The above-named defendants, hereby submit the following expert  
27 disclosures:

- 28 1. Matthew D. Mecham, MS, PE  
Motion Research Associates  
125 West Burton  
Salt Lake City, UT 84115

Mr. Mecham is an engineer/accident reconstructionist. He is expected to testify that defendant Brodhead was the sole cause of the motor vehicle accident involved in this case. Mr. Mecham's preliminary expert report, curriculum vitae, case listings and fee schedule are attached as Exhibit 1. Mr. Mecham is available

LDS AND DONALD C. FOSSUM'S IDENTIFICATION OF  
EXPERT WITNESSES AND DISCLOSURE OF EXPERTS'  
PRELIMINARY REPORTS - 1

WITHERSPOON, KELLEY, DAVENPORT & TOOLE  
A PROFESSIONAL SERVICE CORPORATION  
ATTORNEYS & COUNSELORS  
1100 U.S. BANK BUILDING  
422 WEST RIVERSIDE AVENUE  
SPOKANE, WASHINGTON 99201-0302  
(509) 624-5265

1 for deposition within 30 days after the deposition of Plaintiff's expert, John  
2 Hunter.

3 2. Scott Kimbrough, Ph.D., PE  
4 Motion Research Associates  
5 125 West Burton  
6 Salt Lake City, UT 84115

7 Mr. Kimbrough is a forensic engineer, accident reconstructionist, and expert  
8 in human factors. Mr. Kimbrough is expected to testify that Mr. Brodhead was  
9 the sole cause of the accident and that based on human factors and the Rules of  
10 the Road for the State of Washington, defendant Fossum was fault free. Mr.  
11 Kimbrough's preliminary expert report, curriculum vitae, case listings and fee  
12 schedule are attached as Exhibit 2. Mr. Kimbrough is available for deposition  
13 within 30 days after the deposition of Plaintiff's expert, John Hunter.

14 3. Frederick Wise, Ph.D.  
15 Department of Psychiatry and Behavioral Sciences  
16 University of Washington, HMC  
17 Seattle, WA 98195

18 Dr. Wise is a neuropsychologist. He will testify concerning his  
19 neuropsychological evaluation of Plaintiff, as well as comment on other  
20 neuropsychological and psychological evaluations performed on Mr. Waite. Dr.  
21 Wise's preliminary expert report will be provided within a reasonable time after  
22 his IME. Dr. Wise's curriculum vitae and case listings are attached as Exhibit 3.  
23 Dr. Wise will be available for deposition within 30 days after the deposition of  
24 Plaintiff's expert, Dr. William Burkhart.

25 4. Angelique Tindall, Ph.D.  
26 St. Luke's Rehabilitation Institute  
27 711 South Cowley  
28 Spokane, WA 99202

Dr. Tindall is a clinical psychologist. She will testify concerning her testing  
of Mr. Waite which occurred on December 6, 2004. Dr. Tindall's report and  
curriculum vitae are attached as Exhibit 4. Dr. Tindall does not typically testify  
in Court and has no case listing. Dr. Tindall is available for deposition on Fridays

1 with sufficient notice to accommodate her schedule.

2 5. William H. Burke, Ph.D.  
3 William H. Burke & Associates  
4 Nobles Island, #7  
500 Market Street, Suite 6  
Portsmouth, New Hampshire 03801

5 Dr. Burke is a certified rehabilitation counselor and life care planner. He  
6 is expected to testify concerning Mr. Waite's residual impairments and disabilities  
7 as well as future care needs. Dr. Burke will also comment on the conclusions and  
8 opinions of Anthony Choppa. Dr. Burke's preliminary expert report, curriculum  
9 vitae, case listings and fee schedule are attached as Exhibit 5. Dr. Burke will  
10 make himself available for deposition in New Hampshire in March with the  
11 exception of March 1<sup>st</sup>, 2<sup>nd</sup>, 15<sup>th</sup> and 16<sup>th</sup>.

12 6. David Knowles, Ph.D.  
13 3302 Fuhrman Avenue East, #111  
Seattle, WA 98102

14 Dr. Knowles is an economist. He is expected to testify concerning the  
15 economic loss of Thomas Waite and other issues bearing upon economic  
16 damages. Dr. Knowles will also comment on the opinions of Dan Harper.  
17 Dr. Knowles' preliminary report, curriculum vitae, case listings and fee schedule  
18 are attached as Exhibit 6. Dr. Knowles is available for deposition on March 6 and  
19 7, 2007.

20 7. Defendants reserve the right to supplement these disclosures listed  
21 above as the discovery process proceeds.

22 DATED this 22<sup>nd</sup> day of January, 2007.

23 **WITHERSPOON, KELLEY, DAVENPORT  
& TOOLE**

24 By: /s/ Brian T. Rekofke  
25 Brian T. Rekofke, WSBA No. 13260  
26 Ross P. White, WSBA No. 12136  
Attorneys for The Church of Jesus Christ of  
Latter-day Saints and Donald C. Fossum

27 LDS AND DONALD C. FOSSUM'S IDENTIFICATION OF  
28 EXPERT WITNESSES AND DISCLOSURE OF EXPERTS'  
PRELIMINARY REPORTS - 3

WITHERSPOON, KELLEY, DAVENPORT & TOOLE  
A PROFESSIONAL SERVICE CORPORATION  
ATTORNEYS & COUNSELORS  
1100 U.S. BANK BUILDING  
422 WEST RIVERSIDE AVENUE  
SPOKANE, WASHINGTON 99201-0302  
(509) 624-5265

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

**CERTIFICATE OF SERVICE**

I hereby certify that on the 22nd day of January, 2007:

- 1. I electronically filed the foregoing **LDS AND DONALD C. FOSSUM'S IDENTIFICATION OF EXPERT WITNESSES AND DISCLOSURE OF EXPERTS' PRELIMINARY REPORTS** 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  
Witherspoon, Kelley, Davenport & Toole, P.S.  
422 W. Riverside Ave., #1100  
Spokane, WA 99201-0300  
Phone: 509-624-5265  
Fax: 509-478-2728  
[kimh@wkdtlaw.com](mailto:kimh@wkdtlaw.com)