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2 Ross P. White
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7 (509) 624-5265
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

AFFIDAVIT OF ROSS P.
WHITE IN SUPPORT OF
DEFENDANTS' MOTION TO
EXTEND EXPERT
DISCLOSURE DATES FOR
NEUROPSYCHOLOGY
OPINIONS

24 STATE OF WASHINGTON)
25 County of Spokane) :ss

26 Ross P. White, being first duly sworn upon oath, deposes and says:

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

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

AFFIDAVIT OF ROSS P. WHITE IN SUPPORT OF
DEFENDANTS' MOTION TO EXTEND
EXPERT DISCLOSURE DATES FOR NEUROPSYCHOLOGY ...- 1

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

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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 expert, Dr. Wise needs to test/evaluate Thomas
6 Waite prior to being able to render opinions.

7 6. Dr. Wise was originally scheduled to conduct his examination of
8 Thomas Waite on February 7-8, 2007, in Seattle, and provide his IME report no
9 later than February 16, 2007.

10 7. Due to no fault of the parties, Dr. Wise had a scheduling error. The
11 IME has therefore been re-scheduled to February 23-24, 2007.

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

13 9. Dr. Wise has promised to complete his IME report by March 5, 2007.

14 10. Defendants request the disclosure of Dr. Wise's opinions be extended
15 from February 16, 2007 to March 5, 2007.

16 11. This extension will not impact the discovery cut-off of May 11,
17 2007.

18 12. This extension will not impact the trial date of September 7, 2007.

19 13. Defendants will stipulate to an extension of time for Plaintiff to
20 designate rebuttal experts, should that become necessary.

21 14. Counsel for Defendants has conferred with Mr. Eymann who has no
22 objection to the requested extension.

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24
25 
26 Ross P. White

27 AFFIDAVIT OF ROSS P. WHITE IN SUPPORT OF
28 DEFENDANTS' MOTION TO EXTEND
EXPERT DISCLOSURE DATES FOR NEUROPSYCHOLOGY ...- 2

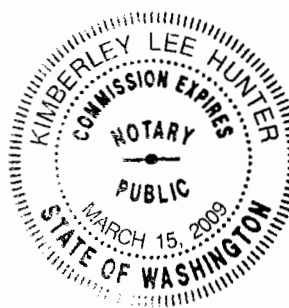
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SUBSCRIBED AND SWORN to before me this 14th day of February, 2007.



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

AFFIDAVIT OF ROSS P. WHITE IN SUPPORT OF
DEFENDANTS' MOTION TO EXTEND
EXPERT DISCLOSURE DATES FOR NEUROPSYCHOLOGY ...- 3

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CERTIFICATE OF SERVICE

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I hereby certify that on the 14th day of February, 2007:

- 1. I electronically filed the foregoing **Affidavit of Ross P. White in Support of Defendants' Motion to Extend 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.**

/s/ Ross P. White
 Ross P. White
 Witherspoon, Kelley, Davenport & Toole, P.S.
 422 W. Riverside Ave., #1100
 Spokane, WA 99201-0300
 Phone: 509-624-5265
 Fax: 509-478-2728
rpw@wkdtlaw.com

AFFIDAVIT OF ROSS P. WHITE IN SUPPORT OF
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