

1 RICHARD C. EYMANN  
 Eymann Allison Hunter Jones, P.S.  
 2 2208 West Second Avenue  
 Spokane, WA 99201-5417  
 3 (509) 747-0101

4 STEPHEN L. NÖRDSTROM  
 Nordstrom & Nees, P.S.  
 5 323 S. Pines Road  
 Spokane, WA 99206  
 6 (509) 924-9800

7 Attorneys for Plaintiff

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

10 THOMAS A. WAITE,

No. CV-05-399-EFS

11 Plaintiff,

**PLAINTIFF'S THIRD  
 SUPPLEMENTAL  
 IDENTIFICATION OF EXPERT  
 WITNESSES AND DISCLOSURE  
 OF EXPERTS' PRELIMINARY  
 REPORTS**

12 vs.

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

19 Defendants.

20 Plaintiff, by and through his undersigned attorneys, hereby supplements his  
 21 original and first supplemental expert witness disclosure as follows:

- 22 1. Anthony J. Choppa, M.Ed., C.R.C.  
 23 Vocational Rehabilitation Counselor  
 OSC Vocational Systems, Inc.  
 24 10132 NE 185<sup>th</sup>  
 Bothell, WA 98011

25  
 26 EYMANN ALLISON HUNTER JONES P.S.

1 Mr. Choppa's Revised February 2007 Life Care Plan is attached as  
2 Exhibit "A."

3 Plaintiff reserves the right to further supplement his disclosures as discovery is  
4 ongoing.

5 DATED this 6th day of March, 2007.

6 EYMANN ALLISON HUNTER JONES, P.S.

7  
8 BY s/ Richard C. Eymann  
RICHARD C. EYMANN, WSBA #7470  
9 Co-counsel for Plaintiff

10 NORDSTROM & NEES, P.S.

11 BY Telephonically approved 3/6/07  
12 STEPHEN L. NORDSTROM, WSBA #11267  
Co-counsel for Plaintiff

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26 EYMANN ALLISON HUNTER JONES P.S.

**CERTIFICATE OF SERVICE**

I, RICHARD C. EYMANN, hereby certify that on the 6th day of March, 2007,  
I electronically filed the foregoing with the Clerk of the Court using the CM/ECF  
System which will send notification of such filing to the following participants:

Brian T. Rekofke  
Witherspoon Kelley Davenport & Toole  
1100 U.S. Bank Building  
422 W. Riverside Avenue  
Spokane, WA 99201

Andrew C. Smythe  
Paine Hamblen Coffin Brooke & Miller  
717 W. Sprague Avenue, Suite 1200  
Spokane, WA 99201

s/Richard C. Eymann  
**RICHARD C. EYMANN**

**EYMANN ALLISON HUNTER JONES P.S.**

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# Exhibit "A"



February 27, 2007

William Burkhardt, Ph.D.  
10704 Meridian Ave. N., Suite 104  
Seattle, WA 98133-9010

Re: Thomas Waite

DOI: 08/21/03

Dear Dr. Burkhardt:

I have had the opportunity to review your neuropsychological report dated November 15, 2006. The following revisions have been added to Mr. Waite's Care Plan based on your recommendations on page 15, paragraph 7. You recommend Mr. Waite be followed by a psychiatrist monthly for medication management, and then less frequently as long as a rehabilitation psychologist or neuropsychologist is involved with ongoing psychotherapy and medication monitoring, and more comprehensive neuropsychological monitoring and re-evaluation. Further, you recommend he have access to a cognitive remediation therapist (preferably a speech language therapist who understands brain injury related executive skill deficits and who is geared toward practical or functional compensatory strategies). This therapy should be available for 3 - 6 sessions every 3 - 5 years coinciding with for example change in jobs and/or changing circumstances with regard to relationships or living arrangements.

Upon your review, please provide your concurrence and/or comments as to whether the following updates are appropriate and reflect your recommendations for Mr. Waite.

Please feel free to contact me if you have any questions or require additional information.

The rehabilitation recommendations contained in the Care Plan are necessary and appropriate for Thomas Waite.

Comments: \_\_\_\_\_

William Burkhardt, Ph.D.

Date

✓ Main Office (Bothell) • 10132 N.E. 185<sup>th</sup>  
Bothell, WA 98011 • (425) 486-4040  
Fax: (425) 486-8701

↪ Edmonds Office • 7500 212<sup>th</sup> St. S.W., Suite 110  
Edmonds, WA 98026 • (425) 672-9600  
Fax: (425) 776-5375

↪ Bellingham Office • 114 W. Magnolia St., #303  
Bellingham, WA 98225 • (360) 734-9163  
Fax: (360) 738-9524

↪ Mt. Vernon Office • 1419 E. College Way  
Mt. Vernon, WA 98273 • (360) 424-6239  
Fax: (360) 428-4161

↪ Burien Office • 601 SW 152<sup>nd</sup> St  
Burien, WA 98166 • (206) 243-1300  
Fax: (206) 243-0366

↪ Tacoma Office • 917 Pacific Ave #308  
Tacoma, WA 98402 • (253) 779-5485  
Fax: (253) 779-5486

↪ Olympia Office • 2101 4<sup>th</sup> Ave Suite 101  
Olympia, WA 98506 • (360) 352-5078  
Fax: (360) 352-5417

↪ Kingston Office • 26127 Calvary Lane Suite 300  
Kingston, WA 98346 • (360) 297-0531  
Fax: (360) 297-0532

↪ Spokane Office • 1814 N. Normandie  
Spokane, WA 99205 • (509) 325-7766  
Fax: (509) 325-7666

↪ Wenatchee Office • 7 North Wenatchee Ave. Suite 402  
Wenatchee, WA 98801 • (509) 665-8382  
Fax: (509) 665-8389

↪ Moses Lake Office • 406 W. Broadway, Suite G  
Moses Lake, WA 98837 • (509) 766-0379  
Fax: (509) 765-1392

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Thomas Waite  
February 27, 2007  
Page 2

Please return the signature page with your signature via facsimile at 425-486-8701 or in the enclosed self-addressed, stamped envelope. Thank you for your assistance.

Very truly yours,



Anthony J. Choppa, M.Ed., C.R.C., C.C.M.  
Rehabilitation Counselor/Case Manager

Encl.: Care Plan  
SASE

cc: Richard Eymann  
Thomas Waite c/o Richard Eymann  
Susan Skinner, M.D.

**CARE PLAN**

**FOR**

**THOMAS WAITE**

**CURRENT AGE TO LIFE EXPECTANCY**

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**REVISED FEBRUARY 2007**

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**Anthony J. Choppa, M.Ed., C.R.C., C.C.M.  
OSC Vocational Systems, Inc.  
10132 NE 185<sup>th</sup> St.  
Bothell, WA 98011**

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**VOCATIONAL SYSTEMS, INC.**

**CARE PLAN  
NAME: THOMAS WAITE**

DOI: 8/21/03

ITEM	PURPOSE	PROVIDER	AGE/INITIATED AGE/SUSPENDED	REPLACEMENT RATE	BASE COST
Neurological Evaluation, Monitoring and Treatment	Monitor neurological sequelae including cognitive deficits and seizure status. Management of pharmacologic intervention.	Susan Skinner, M.D. or local provider	Current Age to Life Expectancy	Office visit in approximately 6 months, then average yearly	\$144.00 - \$202.00 per visit
Neuropsychological Re-evaluations	Ongoing monitoring of cognitive and emotional status, provide recommendations to address treatment options and/or accommodations with regard to educational/vocational pursuits and other challenges.	William Burkhardt, Ph.D. or local provider	Current Age to Life Expectancy	Average every 3 - 5 years	\$1,750.00 per evaluation
Psychiatric Monitoring	Medication management.	Local Psychiatrist	Current Age for 1 year	Monthly	\$150.00 per session

**PROJECTED EVALUATIONS**



**VOCATIONAL SYSTEMS, INC.**

**CARE PLAN**  
**NAME: THOMAS WAITE**

**DOI: 8/21/03**

ITEM	PURPOSE	PROVIDER	AGE/INITIATED AGE/SUSPENDED	REPLACEMENT RATE	BASE COST
Psychotherapy (Individual)	Address cognitive behavioral intervention for symptoms of depression and anxiety, and assist with attention, concentration and ability to focus. (and medication monitoring?)	Barry Moss, Ph.D., Lauren Schwartz, Ph.D., or local provider	Current Age to Life Expectancy	Average 2 times per week for 18 months ----- Then 1 time per week for 3 - 5 years ----- Then 6 - 12 times per year to Life Expectancy	\$135.00 - \$150.00 per session
Cognitive Remediation Evaluation, Monitoring and Treatment	Periodic consultation with a Speech Language Pathologist to assist Thomas with maintaining and updating his compensatory strategies during major life changes including job and relationship changes. Communication and coordination with Psychotherapist.	Rancho Los Amigos, Newport Language & Speech Center, or local provider	Current Age to Life Expectancy	3 - 6 sessions every 3 - 5 years	\$60.00 - \$120.00 per session

**PROJECTED THERAPEUTIC MODALITIES**



**CARE PLAN**  
**NAME: THOMAS WAITE**

**DOI: 8/21/03**

ITEM	PURPOSE	PROVIDER	AGE/INITIATED AGE/SUSPENDED	REPLACEMENT RATE	BASE COST
Dilantin Level	Monitor therapeutic medication levels and health status.	Lakeview Medical Offices, Anaheim, CA, or local provider	Current Age to Life Expectancy	In approximately 6 months, then average 1 time per year	\$121.00 each
Complete Blood Count (CBC)	Monitor for general health status.	Lakeview Medical Offices, Anaheim, CA, or local provider	Current Age to Life Expectancy	In approximately 6 months, then average 1 time per year	\$71.00 each
Alanine Aminotransferase (ALT)	Monitor liver function.	Lakeview Medical Offices, Anaheim, CA, or local provider	Current Age to Life Expectancy	In approximately 6 months, then average 1 time per year	\$49.00 each
Aspartate Aminotransferase (AST)	Monitor liver function.	Lakeview Medical Offices, Anaheim, CA, or local provider	Current Age to Life Expectancy	In approximately 6 months, then average 1 time per year	\$47.00 each
Venipuncture	Blood draw	Lakeview Medical Offices, Anaheim, CA, or local provider	Current Age to Life Expectancy	In approximately 6 months, then average 1 time per year	\$15.00 each

**DIAGNOSTICS**



**CARE PLAN**  
**NAME: THOMAS WAITE**

**DOI: 8/21/03**

ITEM	PURPOSE	PROVIDER	AGE/INITIATED AGE/SUSPENDED	REPLACEMENT RATE	BASE COST
Dilantin* (400 mg) night	Manage and reduce risk of seizures.	Walgreens or local pharmacy	Current Age to Life Expectancy	Monthly	\$48.00
Celexa	Manage depression.	Walgreens or local pharmacy	Current Age to Life Expectancy	Monthly	Pending

**MEDICATIONS<sup>1</sup>**

<sup>1</sup> Reflects current use. Physician may choose to alter or change medication over time. Dr. Burkhart recommends antidepressant medication such as Celexa be included.



**CARE PLAN**  
**NAME: THOMAS WAITE**

DOI: 8/21/03

ITEM	PURPOSE	PROVIDER	AGE/INITIATED AGE/SUSPENDED	REPLACEMENT RATE	BASE COST
Case Management	Coordinate medical and rehabilitation providers, identify appropriate providers, and access resources to assure cost effectiveness, quality of services and crisis intervention.	Local Certified Rehabilitation Counselor or Certified Case Manager	Current Age to Life Expectancy	Average 1 time per month (2 - 3 hours) for the first year upon completion of school ----- Then 1 time per quarter (2 - 3 hours) for life	\$115.00 - \$165.00 per hour
<b>HOME CARE/RESIDENTIAL CARE</b>					

\* Services currently being provided by mother.



**VOCATIONAL SYSTEMS, INC.**

**CARE PLAN  
NAME: THOMAS WAITE**

**DOI: 8/21/03**

ITEM	PURPOSE	PROVIDER	AGE/INITIATED AGE/SUSPENDED	REPLACEMENT RATE	BASE COST
Tutoring	Specific one-on-one assistance with study skills due to continued memory and organizational impairment.	Fullerton College or local provider	Current Age for 2 - 3 years	Weekly (1 - 2 hours) (Professional intervention above and beyond peer tutoring)	\$60.00 per hour
Functional Vocational Assessment/Counseling	Provide informational input for curriculum planning and transition from school to post schoolwork. Provide and determine vocational skills, information regarding interests, time management, self-regulation on the job, and appropriate behavior.	Local Certified Rehabilitation Counselor	Current Age to Life Expectancy	Minimum 1 - 2 times (15 - 20 hours each)	\$130.00 - \$165.00 per hour

**EDUCATIONAL/VOCATIONAL NEEDS**