

Honorable John C. Coughenour

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

CYNTHIA STEWART,

No. 2:16-cv-00020-JCC

Plaintiff,

~~PROPOSED~~ PRETRIAL ORDER

v.

SNOHOMISH COUNTY PUD NO. 1,

Defendant.

I. JURISDICTION

This court has original jurisdiction over Plaintiff's claims brought under 29 U.S.C. § 2601 *et seq.* and 28 U.S.C. § 1331. This court has supplemental jurisdiction over Plaintiff's state law claims under 28 U.S.C. § 1367.

II. CLAIMS AND DEFENSES

Plaintiff will pursue the following claims at trial:

1. A claim against Defendant Snohomish County PUD No. 1 for interfering with Plaintiff Cynthia Stewart's rights provided under the Family Medical Leave Act.
2. A claim against Defendant Snohomish County PUD No. 1 for interfering with Plaintiff Cynthia Stewart's rights provided under the Washington Family Leave Act.
3. A claim against Defendant Snohomish County PUD No. 1 for failing to accommodate Plaintiff Cynthia Stewart's disability and discriminating against her because of her disability in violation of the Washington Law Against Discrimination.

PRETRIAL ORDER [PROPOSED] - 1

No. 2:16-cv-00020-JCC

MACDONALD HOAGUE & BAYLESS
705 Second Avenue, Suite 1500
Seattle, Washington 98104
Tel 206.622.1604 Fax 206.343.3961

1 The defendant denies all of plaintiff's claims and will pursue the following defenses at
2 trial:

3 1. The plaintiff failed to mitigate her alleged damages, if any.

4 2. The plaintiff's alleged damages, if any, were caused, or are attributable to, her
5 own acts or omissions, or the acts or omissions of persons or entities other than the defendant.

6 3. The plaintiff's claims may be barred in whole or part by the doctrine of after-
7 acquired evidence.

8 4. Any act or omission by the defendant alleged to have given rise to the plaintiff's
9 Complaint was in good faith, was based on legitimate, non-discriminatory reasons, and was
10 based on reasonable factors other than any alleged disability or protected reason.

11 5. Any act or omission by the defendant alleged to have given rise to the plaintiff's
12 Complaint was job-related and consistent with business necessity.

13 6. The defendant's actions toward the plaintiff were taken based on bona fide
14 occupational qualifications.

15 7. To the extent that a reasonable accommodation could not be made, the defendant
16 specifically pleads the affirmative defense of undue hardship.

17 8. The defendant's decision with regard to the plaintiff's employment would have
18 been the same regardless of the plaintiff's use of FMLA or any other medical leave.

19 **III. ADMITTED FACTS**

20 1. The PUD's Fitness for Duty policy (Directive 52) and reasonable suspicion
21 training do not specifically address "reasonable accommodations" or "the interactive process."

22 2. Ms. Stewart worked for the PUD for approximately 23 years as a customer
23 service representative. During the relevant time period, Ms. Stewart was employed at the PUD's
24 satellite office in Snohomish, Washington until January 9, 2015, when she was transferred to the
25 PUD's main office in Everett, Washington.

26 3. On April 25, 2014, the PUD approved Ms. Stewart's request for intermittent
27 FMLA leave, formalizing the accommodations that it had made for Ms. Stewart for years.

1 Pursuant to this approval and a later re-approval of a revised FMLA leave request from Ms.
2 Stewart, Ms. Stewart took FMLA leave on an intermittent basis during the remainder of her
3 employment at the PUD.

4 4. At some point on October 17, 2014, Mr. Janisko called fellow manager John
5 Gregory to request assistance in determining whether there was reasonable suspicion that Ms.
6 Stewart was impaired.

7 5. Mr. Janisko and Mr. Gregory signed the Reasonable Suspicion checklist on
8 October 17, 2014 (Plaintiff's Proposed Exhibit 24).

9 6. The PUD placed Ms. Stewart on paid administrative leave starting October 17,
10 2014, while it waited for the results of the reasonable suspicion testing to come back.

11 7. Ms. Stewart signed a Return to Work Agreement on December 16, 2014.

12 8. Effective December 17, 2014, the PUD issued an amended approval of
13 intermittent FMLA leave to Ms. Stewart.

14 9. On the morning of April 7, 2015, Ms. Stewart took intermittent FMLA leave to
15 receive treatment from Dr. Philip O. Smith. When she returned to work, her manager, Sarah
16 Scott, met with Ms. Stewart to discuss Ms. Stewart's vacation leave balance, which was
17 insufficient to cover an upcoming planned vacation.

18 10. On the afternoon of April 7, 2015, Ms. Stewart participated in a fact-finding
19 meeting with Sarah Scott, other managers, her shop steward, and Sara Kurtz, from Employee
20 Resources. During this meeting, Ms. Stewart was informed she would be referred to US
21 Healthworks for reasonable suspicion drug testing.

22 11. The PUD placed plaintiff on paid administrative leave effective April 7, 2015.

23 12. The PUD provided Ms. Stewart with a Proposed Termination letter, dated April
24 15, 2015. (Plaintiff's Proposed Exhibit 47).

25 13. The medical review officer (MRO) determination of Ms. Stewart's April 7, 2015
26 drug screening reflected a "Drug Screen Result" of "Negative," with a "Safety sensitive concern
27 for potentially sedating medications."

1 14. Ms. Stewart responded to the PUD's April 15, 2015 letter with a letter to PUD
2 Assistant General Manager Jim West and Employee Resources Director Jim Little. (Plaintiff's
3 Proposed Exhibit 48).

4 15. The PUD sent Ms. Stewart a Notice of Termination Letter on May 4, 2015.
5 (Plaintiff's Proposed Exhibit 50).

6 16. The PUD terminated Ms. Stewart's employment on May 4, 2015.

7 17. At the time the PUD terminated Ms. Stewart's employment, she was a full-time
8 status employee, and her rate of pay was \$31.96 per hour. She was a member of the Public
9 Employees' Retirement System Plan 2, a defined benefit pension plan.

10 18. In June 2016, the Weekend Customer Service Representative position became
11 available. The person whom the PUD awarded the position to had lower seniority than Ms.
12 Stewart at the time the PUD terminated Ms. Stewart's employment. In June 2016, the hourly
13 pay for that position was \$41.06 per hour.

14 **IV. ISSUES OF LAW**

15 Ms. Stewart believes that the evidence at trial will permit the Court to resolve the
16 following issues as a matter of law that have not already been addressed through the Court's
17 orders:

18 1. Was Ms. Stewart's disability a substantial factor in the PUD's decision to
19 terminate her employment?

20 2. Did the PUD have notice of Ms. Stewart's disability?

21 The PUD proposes the following issues of law:

22 1. Was Ms. Stewart a qualified individual with a disability under the Washington
23 Law Against Discrimination (WLAD) because of her reported migraine condition?

24 2. Was Ms. Stewart a qualified individual with a disability under the Washington
25 Law Against Discrimination (WLAD) because of the side effects of her prescription medication?

26 3. Did the PUD reasonably accommodate Ms. Stewart's disability or disabilities?
27

1 4. Did the PUD terminate Ms. Stewart’s employment because of a disability or
2 disabilities under the Washington Law Against Discrimination (WLAD)?

3 5. Did Ms. Stewart have a “serious health condition” under the Family Medical
4 Leave Act (FMLA) or Washington Family Leave Act (WFLA)?

5 6. Did the PUD interfere with any substantive right that Ms. Stewart had under the
6 FMLA/WFLA?

7 7. Would it be an undue hardship for the PUD to permit Ms. Stewart to come to
8 work while impaired?

9 8. Did the PUD terminate Ms. Stewart’s employment for legitimate non-
10 discriminatory reasons?

11 9. Does the PUD’s Fitness for Duty Directive express a bona fide occupational
12 qualification that justified the termination of Ms. Stewart’s employment?

13 10. Did the PUD establish business necessity that justified the termination of Ms.
14 Stewart’s employment?

15 11. Are Ms. Stewart’s alleged damages, if any, offset or foreclosed by the after-
16 acquired evidence doctrine, her failure to mitigate her alleged damages and/or any other conduct
17 by Ms. Stewart or non-defendant third parties?

18 12. Should an award of statutory costs should be made to the defendant?

19 13. What is the amount of statutory costs that should be awarded to defendant?

20 **V. EXPERT WITNESSES**

21 The names and addresses of the expert witnesses to be used by each party at the trial and
22 the issue upon which each will testify are:

23 **1. On behalf of plaintiff:**

24 Will Testify

25 **Dr. Daniel Krashin, M.D.**
26 325 9th Ave., 5th Floor
27 Seattle, WA 98104

1 Dr. Krashin will testify about Ms. Stewart's headaches, the pain associated with those
2 headaches, the treatment she received for her headaches, the probable impact of those treatments,
3 and any and all topics covered in his expert report.

4 **Neil Bennett M.Ed, CRC, CDMS, FVE**
5 10132 NE 185th St.
6 Bothell, WA 98011

7 Mr. Bennett will testify about Ms. Stewart's earning capacity and economic damages, her
8 efforts to mitigate those damages, Defendant's handling of Ms. Stewart's disability, and any and
9 all topics covered in his expert report.

10 **Dr. Paul Torelli**
11 2600 Second Ave, Suite 2204
12 Seattle, WA 98121

13 Dr. Torelli will testify about the economic loss Ms. Stewart suffered as a result of the
14 termination of her employment by Defendant, and any and all topics covered in his expert report.

15 **2. On behalf of defendant:**

16 Will Testify

17 **Lawrence C. Murphy, MD**
18 Machaon Medical Evaluations, Inc.
19 509 Olive Way, Suite 1045
20 Seattle, WA 98101
21 Tel: (206) 323-1999

22 Dr. Murphy will testify regarding subject matters including, but are not necessarily
23 limited to, the subjects and opinions identified in his report dated November 3, 2016. The report
24 was served on the plaintiff on November 11, 2016 as Defendant's Expert Witness Disclosure.

25 **VI. OTHER WITNESSES**

26 **1. On behalf of plaintiff:**

27 Will Testify

Kim Barroca
2022 Melvin Ave.
Everett, WA 98203

Ms. Barroca will testify about Ms. Stewart's work, and the emotional impact that the
events involved in this case had on Ms. Stewart. She may also testify about Ms. Stewart's
normal appearance or appearance while experiencing a migraine or after treatment.

1 **John Gregory**
2 c/o Michael & Alexander

3 Mr. Gregory will testify about his observations of Ms. Stewart on October 17, 2014, his
4 previous and subsequent interactions with Ms. Stewart, and his role in the decision to refer her to
5 reasonable suspicion testing.

6 **Derek Hermann**
7 c/o Michael & Alexander

8 Mr. Hermann will testify about his observations of Ms. Stewart on April 7, 2015, and his
9 role in the decision to refer her to reasonable suspicion testing.

10 **Aaron Janisko**
11 c/o Michael & Alexander

12 Mr. Janisko will testify about his response to Ms. Stewart's regular use of medical leave
13 while he was her supervisor, as well as his interactions with her in the workplace. He will also
14 testify about his observations of Ms. Stewart on October 17, 2014, and his role in the decision to
15 refer Ms. Stewart to reasonable suspicion testing.

16 **Brad Kime**
17 19814 36th St SE
18 Snohomish, WA 98290

19 Mr. Kime will testify about his observations of Ms. Stewart on October 17, 2014, and his
20 observations of the reasonable suspicion process that day.

21 **Sara Kurtz**
22 c/o Michael & Alexander

23 Ms. Kurtz will testify about her knowledge of Defendant's policies. She will also testify
24 about her involvement in the determination of Defendant's response to the reasonable suspicion
25 findings of October 17, 2014, and subsequent creation of a return to work agreement. She will
26 also testify about her observations of Ms. Stewart on April 7, 2015, and her involvement in the
27 decision to terminate Ms. Stewart's employment in the aftermath of that day's events. She will
28 also testify about all PUD policies, PUD practices, PUD trainings, Ms. Stewart's employment,
29 her observations of Ms. Stewart's performance, Ms. Stewart's reputation, the PUD's handling of
30 the events related to this case, and all other events relevant to this case.

31 **Amy Murray**
32 315 147th Ave. NE
33 Snohomish, WA 98290

34 Ms. Murray will testify about her observations of Ms. Stewart on April 7, 2015, and her
35 observations of the disciplinary actions the PUD took with respect to Ms. Stewart during all
36 times relevant to this case. She will also testify about Ms. Stewart's normal appearance while

1 she is experiencing a migraine headache, and to the impact to Ms. Stewart of the PUD's
2 employment actions.

3 **Cyndy Nance**
4 c/o Michael & Alexander

5 Ms. Nance will testify about her observations of Ms. Stewart on April 7, 2015, and her
6 role in the decision to refer Ms. Stewart to reasonable suspicion testing.

7 **Suzette Nielson**
8 c/o MacDonald Hoague & Bayless

9 Ms. Nielson will testify about the economic and emotional damages Ms. Stewart suffered
10 as a result of the termination of her employment by Defendant. She may also testify about Ms.
11 Stewart's normal appearance or appearance while experiencing a migraine or after treatment.

12 **Sarah Scott**
13 2719 117th Ave. NE
14 Lake Stevens, WA 98258-9107

15 Ms. Scott will testify about her response to Ms. Stewart's regular use of medical leave
16 while she was her supervisor. She will also testify about her observations of Ms. Stewart on
17 April 7, 2015, and her role in the decision to refer Ms. Stewart to reasonable suspicion testing.
18 She will also testify about all PUD policies, PUD practices, PUD trainings, Ms. Stewart's
19 employment, her observations of Ms. Stewart's performance, Ms. Stewart's reputation, and the
20 PUD's handling of the events related to this case.

21 **Dr. Philip Smith, M.D.**
22 4404 80th St. NE
23 Marysville, WA 98270

24 Dr. Smith will testify about Ms. Stewart's medical condition, his treatment of her
25 migraine headaches, and his interactions with the PUD with respect to Ms. Stewart's FMLA
26 certification and fitness for duty.

27 **Cynthia Stewart**
c/o MacDonald Hoague & Bayless

Ms. Stewart will testify about her experience working for Defendant. She will also
testify about her disability, and the treatment of that disability. She will also testify about the
effect of that treatment on her ability to perform her job. She will also testify about the events of
October 17, 2014, and April 7, 2015. She will also testify about the emotional and economic
harm she suffered as a result of Defendant's termination of her employment.

Kristi Treckeme
c/o Michael & Alexander

1 Ms. Treckeme will testify about Defendant's policies, and her role in Defendant's
2 decision to discipline, and then terminate Ms. Stewart. She will also testify about the PUD's
3 investigation of Ms. Stewart's use of FMLA leave and fitness for duty, as well as the PUD's
handling of Ms. Stewart's intermittent FMLA leave.

4 **David Underwood**
c/o Michael & Alexander

5
6 Mr. Underwood will testify about his response to Ms. Stewart's regular use of medical
leave while he was her supervisor, and her work performance.

7 **James West**
8 c/o Michael & Alexander

9 Mr. West will testify about his role in the decision to terminate Ms. Stewart's
10 employment, and his knowledge of the PUD's handling of her disability.

11 **Lynne Wheeler**
12 400 Park Place
Everett WA 98203

13 Ms. Wheeler will testify about her observations of Ms. Stewart on April 7, 2015. She
14 will also testify about Ms. Stewart's normal appearance while she is experiencing a migraine
15 headache. She may also testify about Ms. Stewart's work, the Weekend CSR position, and the
emotional impact the PUD's actions had on Ms. Stewart.

16 Possible Witness Only

17 **Branda Andrade**
c/o Michael & Alexander

18
19 Ms. Andrade may testify about the PUD's policies. She may also testify about
20 Defendant's discovery responses, as she signed the verification forms attached to those
responses.

21 **Pam Baley**
c/o Michael & Alexander

22
23 Ms. Baley may testify about Defendant's policies and her own involvement in
Defendant's handling of Ms. Stewart's disability and decision to terminate her employment.

24 **Kathy Houk**
25 4200 84th St. NE #1
Marysville, WA 98270

26
27 Ms. Houk may testify about Ms. Stewart's work, and the emotional impact that the events
involved in this case had on Ms. Stewart.

1 **Dongmei Liu, M.D.**

2 Swedish Medical Center
3 550 17th Ave., Suite 400
4 Seattle, WA 98122

5 Dr. Liu may testify about Ms. Stewart's medical condition and treatment, and the topics
6 she was questioned about at her deposition.

7 **Tom Stewart**

8 c/o MacDonald Hoague & Bayless

9 Mr. Stewart may testify about the economic and emotional damages Ms. Stewart suffered
10 as a result of the termination of her employment by Defendant. He may also testify about Ms.
11 Stewart's normal appearance or appearance while experiencing a migraine or after treatment.

12 **Nichole Reedy**

13 19415 International Boulevard
14 SeaTac, WA 98188

15 Ms. Reedy may testify about her involvement in discussions between Defendant's and
16 Ms. Stewart's union regarding her employment.

17 The defendant's witnesses and potential witnesses are listed below. To the extent the
18 plaintiff does not offer any of the testimony listed in plaintiff's pretrial statement, the defendant
19 reserves the right to introduce that testimony at trial, at any point during the case.

20 **2. On behalf of Defendant:**

21 Will Testify

22 **Cynthia Stewart**

23 c/o MacDonald Hoague & Bayless
24 705 Second Ave., Suite 1500
25 Seattle, WA 98104
26 (206) 622-1604

27 She will testify about her employment with defendant, her claimed disability or
disabilities, workplace accommodations, the events leading to her termination, and her alleged
damages.

David Underwood

c/o Michael & Alexander PLLC
701 Pike Street, Suite 1150
Seattle, WA 98101
(206) 442-9696

1 Mr. Underwood will testify about plaintiff's employment with the PUD, including but not
2 limited to her work performance at the Snohomish local office, normal appearance at work,
3 workplace accommodations in effect, attendance and absenteeism concerns and issues, and
4 applicable workplace policies and trainings.

4 **Aaron Janisko**
5 c/o Michael & Alexander PLLC
6 701 Pike Street, Suite 1150
7 Seattle, WA 98101
8 (206) 442-9696

7 Mr. Janisko will testify about plaintiff's employment with the PUD, including but not
8 limited to her work performance at the Snohomish local office, normal appearance at work,
9 workplace accommodations in effect, attendance and absenteeism concerns and issues, and
10 applicable workplace policies and trainings. He may also testify to plaintiff's appearance and
11 behavior on October 17, 2014, subsequent reasonable suspicion testing, and the events giving
12 rise to plaintiff's Return to Work Agreement and the decision to terminate plaintiff's
13 employment.

12 **Sarah Scott**
13 2719 117th Ave. NE
14 Lake Stevens, WA 98258
15 (425) 397-9937

15 Ms. Scott will testify about plaintiff's employment with the PUD, including but not
16 limited to her work performance, normal appearance at work, workplace accommodations in
17 effect, attendance and absenteeism concerns and issues, and applicable workplace policies and
18 trainings. She may also testify to plaintiff's appearance and behavior on April 7, 2015,
19 subsequent reasonable suspicion testing, and the events giving rise to plaintiff's Return to Work
20 Agreement and the decision to terminate plaintiff's employment.

19 **Cyndy Nance**
20 c/o Michael & Alexander PLLC
21 701 Pike Street, Suite 1150
22 Seattle, WA 98101
23 (206) 442-9696

22 Ms. Nance will testify about plaintiff's employment with the PUD, including but not
23 limited to her work performance, normal appearance at work, and applicable workplace policies
24 and trainings. She may also testify about plaintiff's appearance and behavior on April 7, 2015,
25 her role in the subsequent reasonable suspicion testing, and the events giving rise to the decision
26 to terminate the plaintiff's employment.

26 **Kristi Treckeme**
27 c/o Michael & Alexander PLLC
701 Pike Street, Suite 1150

1 Seattle, WA 98101
2 (206) 442-9696

3 Ms. Treckeme will testify about PUD policies, procedures and trainings relating to
4 medical/non-medical leave and/or disability accommodations. She will testify about her
5 communications with Dr. Smith regarding Ms. Stewart's medical leave, as well as the PUD's
6 accommodations of Ms. Stewart's stated medical condition and Ms. Stewart's various leave
7 statuses between October 17, 2014 and January 9, 2015.

6 **Sara Kurtz**
7 c/o Michael & Alexander PLLC
8 701 Pike Street, Suite 1150
9 Seattle, WA 98101
10 (206) 442-9696

10 Ms. Kurtz will testify about plaintiff's employment with the PUD including but not
11 limited to her work performance, normal appearance at work, workplace accommodations in
12 effect, attendance and absenteeism concerns and issues, and applicable workplace policies and
13 trainings. She may also testify to plaintiff's appearance and behavior on April 7, 2015,
14 subsequent reasonable suspicion testing, and the events giving rise to plaintiff's Return to Work
15 Agreement and the decision to terminate plaintiff's employment.

14 **Dr. Philip Smith**
15 4404 80th Street, NE
16 Marysville, WA 98270
17 (360) 659-1231

17 Dr. Smith will testify about his medical treatment of the plaintiff, communications with
18 PUD employees regarding plaintiff's requests for medical leave and plaintiff's fitness for duty.

18 Possible Witnesses Only

19 **John Gregory**
20 c/o Michael & Alexander PLLC
21 701 Pike Street, Suite 1150
22 Seattle, WA 98101
23 (206) 442-9696

23 Mr. Gregory may testify about his observations of the plaintiff's appearance and behavior
24 on October 17, 2014, as well as other comparator observations of the plaintiff. He may also
25 testify about issues relating to the reasonable suspicion testing of Ms. Stewart on October 17,
26 2014.

26 **Derek Hermann**
27 c/o Michael & Alexander PLLC
701 Pike Street, Suite 1150
Seattle, WA 98101

1 (206) 442-9696

2 Mr. Hermann may testify about plaintiff's employment with the PUD, including but not
3 limited to her work performance, normal appearance at work, and applicable workplace policies
4 and trainings. He may also testify to plaintiff's appearance and behavior on April 7, 2015, his
5 role in the subsequent reasonable suspicion testing, and the events giving rise to the decision to
6 terminate the plaintiff's employment.

6 **James N. West**
7 c/o Michael & Alexander PLLC
8 701 Pike Street, Suite 1150
9 Seattle, WA 98101
10 (206) 442-9696

9 Mr. West may testify about his role in the termination of plaintiff's employment with the
10 PUD, his interactions with Ms. Stewart and the letters that he signed relating to the termination
11 of Ms. Stewart's employment.

11 **Pam Baley**
12 c/o Michael & Alexander PLLC
13 701 Pike Street, Suite 1150
14 Seattle, WA 98101
15 (206) 442-9696

15 Ms. Baley may testify about plaintiff's employment with the PUD, including but not
16 limited to her work performance, normal appearance at work, workplace accommodations in
17 effect, attendance and absenteeism concerns and issues, and applicable workplace policies and
18 trainings. She may also testify about her role in the termination of plaintiff's employment with
19 the PUD.

18 **Nichole Reedy**
19 IBEW, Local # 77
20 19415 International Boulevard
21 SeaTac, WA 98188
22 (206) 323-4505

22 Ms. Reedy may testify about applicable policies and expectations including those
23 contained in any applicable Collective Bargaining Agreement, proposed and actual discipline of
24 plaintiff, and information relating to the PUD's reasonable suspicion investigation and testing of
25 plaintiff, the negotiations involved in reaching a Return to Work Agreement, and the
26 circumstances giving rise to the decision to terminate plaintiff's employment. She may also
27 testify about plaintiff's grievance of her termination, including but not limited to statements and
information offered by plaintiff in support of her grievance.

26 **Amy Murray**
27 Shop Steward

1 Snohomish County PUD
2 2320 California Street
3 Everett, WA 98201
4 (425) 783-1000

5 Ms. Murray may testify about applicable policies and expectations including those
6 contained in any applicable Collective Bargaining Agreement, proposed and actual discipline of
7 plaintiff, and information relating to the PUD's reasonable suspicion investigation and testing of
8 plaintiff, the negotiations involved in reaching a Return to Work Agreement, and the
9 circumstances giving rise to the decision to terminate plaintiff's employment. She may also
10 testify about plaintiff's grievance of her termination, including but not limited to statements and
11 information offered by plaintiff in support of her grievance.

12 **Rob Wilbourne**
13 Union Representative/IBEW Union Local No. 77
14 Snohomish County PUD
15 2320 California Street
16 Everett, WA 98201
17 (425) 783-1000

18 Mr. Wilbourne may testify about applicable policies and expectations including those
19 contained in any applicable Collective Bargaining Agreement, proposed and actual discipline of
20 plaintiff, and information relating to the PUD's reasonable suspicion investigation and testing of
21 plaintiff, the negotiations involved in reaching a Return to Work Agreement, and the
22 circumstances giving rise to the decision to terminate plaintiff's employment. He may also testify
23 about plaintiff's grievance of her termination, including but not limited to statements and
24 information offered by plaintiff in support of her grievance.

25 **Shane Mahoney**
26 c/o Michael & Alexander PLLC
27 701 Pike Street, Suite 1150
Seattle, WA 98101
(206) 442-9696

Mr. Mahoney may testify about plaintiff's employment with the PUD, including but not limited to his experiences working with the plaintiff, impact of plaintiff's attendance on his co-workers, and the plaintiff's regular appearance and behavior at work.

Shylah Mahoney
c/o Michael & Alexander PLLC
701 Pike Street, Suite 1150
Seattle, WA 98101
(206) 442-9696

Ms. Mahoney may testify about plaintiff's employment with the PUD, including but not limited to her experiences working with the plaintiff, impact of plaintiff's attendance on her co-workers, and the plaintiff's regular appearance and behavior at work.

1
2 **Linda Putnam**
3 c/o Michael & Alexander PLLC
4 701 Pike Street, Suite 1150
5 Seattle, WA 98101
6 (206) 442-9696

7
8 Ms. Mahoney may testify about plaintiff's employment with the PUD, including but not
9 limited to her experiences working with the plaintiff, impact of plaintiff's attendance on her co-
10 workers, and the plaintiff's regular appearance and behavior at work.

11
12 **Kurt Martin**
13 3204 Shore Ave.
14 Everett, WA 98203
15 (425) 355-1437

16
17 Mr. Martin may testify about his management of plaintiff at the Snohomish local office,
18 and about the plaintiff's work performance, normal appearance at work, workplace
19 accommodations in effect, attendance and absenteeism concerns and issues, and applicable
20 workplace policies and trainings.

21
22 **Branda Andrade**
23 c/o Michael & Alexander PLLC
24 701 Pike Street, Suite 1150
25 Seattle, WA 98101
26 (206) 442-9696

27
28 Ms. Andrade may testify about the PUD's policies, training and procedures, the
29 defendant's discovery responses, and her negotiations with the union relating to the employment
30 of the plaintiff.

31
32 **Michael Jones, MPAS-C**
33 Pacific Rim Headache Center
34 715 Seafarers Way, Suite 201 B
35 Anacortes, WA 98221
36 (360) 588-1460

37
38 Mr. Jones may testify regarding his medical treatment of the plaintiff, and his experience
39 as a medical provider as it relates to migraine and headache treatments.

40
41 **Dongmei Liu, M.D.**
42 Swedish Medical Center
43 550 17th Ave., Suite 400
44 Seattle, WA 98122
45 (206) 320-3494

46
47 Dr. Liu may testify regarding her medical treatment of the plaintiff, and her experience as

1 a medical provider as it relates to migraine and headache treatments.

2 **Kevin Host**
3 Director
4 Wellspring EAP
5 1900 Rainier Ave. S
6 Seattle, WA 98144
7 (206) 654-4145

8 Mr. Host may testify about the reasonable suspicion checklist, its purpose and intent, how
9 it is used by the PUD, and training that PUD employees receive related to use of the reasonable
10 suspicion checklist, and other services provided by Wellspring to the PUD and its employees.

11 **Suzette Nielson**
12 16332 19th Ave. NE
13 Arlington, WA 98223
14 (425) 422-5369

15 Ms. Nielson may testify about her knowledge of the plaintiff's migraines and the nature
16 of the treatment the plaintiff received for migraines. She may also testify about her
17 communications with the plaintiff regarding the plaintiff's employment at the PUD, the
18 plaintiff's response to the notice of intent to terminate, the plaintiff's post-PUD employment, and
19 the plaintiff's claimed damages.

20 **Tamala Smith**
21 11210 81st Avenue NE
22 Marysville, WA 98271

23 Ms. Smith may testify about her knowledge of the plaintiff's migraines and the nature of
24 the treatment the plaintiff received for migraines. She may also testify about her
25 communications with the plaintiff regarding the plaintiff's employment at the PUD, the
26 plaintiff's post-PUD employment and the plaintiff's claimed damages.

27 **Thomas Stewart**
c/o MacDonald Hague & Bayless
705 Second Ave., Suite 1500
Seattle, WA 98104
(206) 622-1604

Mr. Stewart may testify about his knowledge of the plaintiff's migraines and the nature of
the treatment the plaintiff received for migraines. He may also testify about his knowledge of
the plaintiff's employment at the PUD, the plaintiff's post-PUD employment, and the plaintiff's
claimed damages.

VII. TRIAL EXHIBITS

Exhibit No.	Description	Authenticity & Admissibility Contested	Authenticity Stipulated, Admissibility Contested	Admissibility Stipulated
PLAINTIFF'S PROPOSED EXHIBITS				
1.	CSR Job Description PUD 000238-000240			X
2.	PUD Fitness for Duty Directive PUD 000463-000473			X
3.	PUD's Equal Employment Opportunity Directive PUD 000335-000336			X
4.	PUD's Anti-Discrimination and Harassment Policy and Complaint Procedure Directive PUD 000337-000342			X
5.	PUD's Family Leave Directive PUD 000343-000354			X
6.	2013 Drug/Alcohol Testing Procedure Training Presentation PUD 001686-001716		X	
7.	2015 Drug/Alcohol Testing Procedure Training Presentation PUD 000555-000570		X	
8.	Typed notes by David Underwood from September 4, 2013, through April 25, 2014 PUD 000292-000294			X
9.	Calendars with handwritten notes from October 2013 through March 2014 PUD 000295-000300		X	
10.	Handwritten notes from March 18, 2014 through April 29, 2014 PUD 000303-000305		X	
11.	April 25, 2014 email from Kim Hostetler to Cynthia Stewart and others PRR 5003-000019 – 5003-000020			X
12.	Calendars with typed entries from May 2014 through October 2014 PUD-000211-000216			X

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705 Second Avenue, Suite 1500
Seattle, Washington 98104
Tel 206.622.1604 Fax 206.343.3961

Exhibit No.	Description	Authenticity & Admissibility Contested	Authenticity Stipulated, Admissibility Contested	Admissibility Stipulated
13.	Calendars with handwritten notes from May 2014 through October 2014 PUD-000092-000097		X	
14.	August 8, 2014 email chain between Aaron Janisko and Sara Kurtz PUD 000301-000302			X
15.	Handwritten notes dated August 8, 2014 PUD 000312-000313			X
16.	September 14, 2014 email chain between Aaron Janisko, Sara Kurtz, and others PUD 000289			X
17.	September 23, 2014 email from Aaron Janisko to Sara Kurtz PUD 000288			X
18.	September 30, 2014 email chain between Aaron Janisko and Sara Kurtz PUD 000287			X
19.	October 13, 2014 email chain between Aaron Janisko, Sara Kurtz, and others PUD 000286			X
20.	October 15, 2014 email forwarded by Aaron Janisko to Sara Kurtz PUD 000284			X
21.	Handwritten notes PUD 000682			X
22.	Handwritten notes of Aaron Janisko dated October 17, 2014 PUD 000886			X
23.	Blank Reasonable Suspicion Checklist PUD 000676			X
24.	Reasonable Suspicion Checklist for October 17, 2014 PUD 000887			X
25.	Drug test results from October 17, 2014			X

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	STEWART 002465-002468			
26.	Letter from Dr. Philip Smith to PUD dated October 21, 2014 STEWART 000190			X
27.	October 28, 2014 Investigation Interview notes PUD 000827-000836			X
28.	Letter from Dr. Philip Smith to PUD dated November 19, 2014 STEWART 000191-000192			X
29.	November 14, 2014 email chain between Sara Kurtz, Kristi Treckeme, and Donald Bucklin PUD 000821-000826		X	
30.	Cynthia Stewart's Return to Work Agreement, dated December 16, 2014 PUD 000898-000901			X
31.	Memorandum to Cynthia Stewart dated December 17, 2014 STEWART 000196-000198			X
32.	Memo attached to Family and Medical Leave Recertification Questionnaire PUD 000221-000222			X
33.	December 24, 2014 email chain between Kristi Treckeme and Aaron Janisko PRR 5003-000148			X
34.	January 1, 2015, email from Ed Emerson to Sara Kurtz STEWART 002362-002366		X	
35.	January 9, 2015 drug test results from US Healthworks			X
36.	January 9, 2015 email chain between Pam Baley, Gery Hirsch, and others PRR 5003-00129 – 5003-000132			X
37.	January 14, 2015 email chain between Gery Hirsch, Sarah Scott, and Kristi Treckeme PUD 000819			X

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38.	January 14, 2015, email from Kristi Treckeme to Cynthia Stewart and Gery Hirsch PUD 000195-000197			X
39.	January 20, 2015 email chain between Aaron Janisko and Sarah Scott PRR 5003-000119			X
40.	January 27, 2015 email chain between Kristi Treckeme and Sarah Scott PRR 5003-000107 – 5003-000110			X
41.	February 10, 2015 email chain between Ed Emerson and Sara Kurtz STEWART 002368-002373			X
42.	February 11, 2015 email chain between Pam Baley and Sarah Scott PRR 5003-000096			X
43.	Reasonable Suspicion Checklist from April 7, 2015 STEWART 000148			X
44.	April 8, 2015 email chain between Derek Hermann and Cyndy Nance PRR 5003-000140			X
45.	April 8, 2015, email from Cyndy Nance to Sarah Scott PRR 5003-000060		X	
46.	Drug test results from April 7, 2015 STEWART 002458-002461			X
47.	PUD's Proposed Termination letter dated April 15, 2015 STEWART 000175-000178			X
48.	Letter from Cynthia Stewart to Jim West and Jim Little STEWART 000200-000203			X
49.	April 22, 2015 email chain between Sara Kurtz, Cathy Killpack, and Donald Bucklin STEWART 002595-002605		X	

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50.	PUD's Termination letter dated May 4, 2015 STEWART 000179-000181			X
51.	Cynthia Stewart's W2s for 2012 through 2016			X
52.	January 15, 2015 letter from Chelsey Marzolf		X	
53.	Transaction receipt from JPMorgan Chase dated June 1, 2015, and Consent Form for Withdrawal Requests dated May 26, 2015		X	
54.	PUD Wage Schedule			X
55.	Copy of printout of payment history by Marysville School District		X	
56.	Chart titled "Table 2A: Lost Earnings of Cynthia Stewart"		X	
57.	Chart titled "Table 2B: Lost Earnings of Cynthia Stewart"		X	
58.	Chart titled "Table 2C: Lost Earnings of Cynthia Stewart"		X	
59.	Chart titled "Table 4: Lost PERS2 Pension of Cynthia Stewart"		X	
60.	PERS Plan 2 Handbook dated January 2017			X
61.	Calendars indicating dates on which Cynthia Stewart worked at Marysville School District		X	
62.	October 28, 2014 FMLA Recertification Packet sent to Dr. Philip Smith PUD 000687-000715		X	
63.	October 28, 2014 FMLA Recertification Packet sent to Michael Jones PUD 000716-000739		X	
64.	2013 Fitness for Duty Training PUD 002572-002619			X
65.	2014 Fitness for Duty Training PUD 000571-000672			X

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Exhibit No.	Description	Authenticity & Admissibility Contested	Authenticity Stipulated, Admissibility Contested	Admissibility Stipulated
DEFENDANT'S PROPOSED EXHIBITS				
A-1	Employee Rules of Conduct Directive PUD 000410-000413		X	
A-2	Aaron Janisko Email to Kristi Treckeme RE Cynthia Stewart FMLA dated April 2, 2014 PUD 000254	X		
A-3	Cynthia Stewart Computer Logins on April 7, 2015 PUD 001641-001643		X	
A-4	Memorandum Regarding FMLA Application Information dated April 11, 2014 PUD 000252-000253		X	
A-5	FMLA Certification dated April 24, 2014 PUD 000279-000281		X	
A-6	Email from Aaron Janisko to Cynthia Stewart, RE FMLA Expectations and Communication dated May 1, 2014 PUD 000249		X	
A-7	May – October 2014 Cynthia Stewart Absences Calendar PUD 000306-000311		X	
A-8	Customer Service Standards and Expectations PUD 000086-000091		X	
A-9	Cynthia Stewart Medical Records from WWMG Family Medicine on October 17, 2014 STEWART 001183-001185		X	
A-10	PUD Letter to Cynthia Stewart, RE Paid Administrative Leave dated October 28, 2014 PUD 000685-000686			X
A-11	Revised FMLA Certification dated October 29, 2014 PUD 000274-000277			X

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Exhibit No.	Description	Authenticity & Admissibility Contested	Authenticity Stipulated, Admissibility Contested	Admissibility Stipulated
A-12	Email from Kristi Treckeme to Cynthia Stewart, RE FMLA Recertification Packet and Fitness for Duty Packet dated November 6, 2014 PUD 00219-00220			X
A-13	Letter from Dr. Smith to PUD dated November 14, 2014 PUD 000244			X
A-14	Email from Cynthia Stewart to Kristi Treckeme RE FMLA Paperwork Status dated November 18, 2014 PUD 000781	X		
A-15	Kristi Treckeme Memo to Cynthia Stewart, RE FMLA Recertification Additional Info dated November 21, 2014 PUD 000206-000216		X	
A-16	Letter from Dr. Smith to PUD dated November 25, 2014 PUD 000273			X
A-17	Completed FMLA Recertification Questionnaire by Dr. Smith dated December 1, 2014 PUD 000265-000266			X
A-18	Emails between Nichole Reedy and Cynthia Stewart, RE Return to Work Agreement dated December 16, 2014 STEWART 002943-002944		X	
A-19	Christy Caldwell Drug/Alcohol Evaluation Report dated January 1, 2015 STEWART 002359-002361		X	
A-20	Nichole Reedy Email to Cynthia Stewart, RE Return to Work dated January 6, 2015 STEWART 002948-002949		X	
A-21	Emails RE Shift Issue dated January 22, 2015 PUD 001042-001044		X	

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A-22	Email from Jenny Neland, RE Shifts dated January 23, 2015 PUD 001040-001041		X	
A-23	Pam Bailey Email to Sarah Scott, RE Cynthia Stewart Shift Bid and Honesty Conversation Plan dated February 2, 2015 PRR 5003 000100		X	
A-24	Email from Cynthia Stewart, RE Training Issue dated February 6, 2015 PUD 001027		X	
A-25	Emails between Pam Baley and Cyndy Nance, RE Cynthia Stewart Coaching dated March 11, 2015 PUD 001011		X	
A-26	Email from Tracey Tucek to Cyndy Nance, RE Cynthia Stewart Coaching dated March 12, 2015 PUD 001005-001010		X	
A-27	Emails RE Cynthia Stewart Vacation dated April 1, 2015 PUD 000996-000997		X	
A-28	Cynthia Stewart Medical Records from WWMG Family Medicine on April 6, 2015 STEWART 000949-000951		X	
A-29	Fitness for Duty Notes by Manager Sarah Scott dated April 7, 2015 PUD 000920-000922		X	
A-30	Cynthia Stewart Medical Records from WWMG Family Medicine on April 7, 2015 STEWART 000946-000948		X	
A-31	April 2015 WWMG Family Medicine Medical Records STEWART 000915-000954		X	
A-32	Defendant's 1 st ROGs & RFPs to Plaintiff with Responses dated April 7, 2016		X	
A-33	Becky Hegr Email, RE Food Service Position dated May 18,		X	

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Exhibit No.	Description	Authenticity & Admissibility Contested	Authenticity Stipulated, Admissibility Contested	Admissibility Stipulated
	2016			
A-34	James Long Email to Cynthia Stewart, RE Working as a Custodian dated May 19, 2016		X	
A-35	Substitute Job Cancellation Notifications		X	
A-36	Aaron Janisko Training History PUD 001644-001650		X	
A-37	Cydney Nance Training History PUD 001571-001576		X	
A-38	John Gregory Training History PUD 001521-1532		X	
A-39	Sarah Scott Training History PUD 001583-001588		X	
A-40	Drug Free Business – Supervisor Training on Reasonable Suspicion PUD 001233-1240		X	
A-41	Supervisor Training Fitness for Duty PUD 001910-001977			X
A-42	Bartell Drugs Pharmacy Records BD 000001-000030		X	
A-43	Pacific Rim Headache Center Medical Records PRHC 000001-000010		X	
A-44	Michael Jones Notes on Cynthia Stewart		X	
A-45	Swedish Medical Center – Neuroscience Specialists Medical Records STEWART 002950-002984		X	
A-46	Cynthia Stewart Handwritten Notes STEWART 002261-2280		X	
A-47	Defendant's 1 st ROGs & RFPs to Plaintiff with 1 st Supplemental Responses dated April 18, 2016		X	
A-48	Defendant's 1 st ROGs & RFPs to Plaintiff with 2 nd Supplemental Responses dated August 9, 2016		X	
A-49	Defendant's 1 st ROGs & RFPs to Plaintiff with 3 rd Supplemental Responses dated August 8, 2016		X	

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Exhibit No.	Description	Authenticity & Admissibility Contested	Authenticity Stipulated, Admissibility Contested	Admissibility Stipulated
A-50	Defendant's 1 st ROGs & RFPs to Plaintiff with 4 th Supplemental Responses dated August 8, 2016		X	
A-51	Defendant's 1 st ROGs & RFPs to Plaintiff with 5 th Supplemental Responses dated October 7, 2016		X	
A-52	Defendant's 1 st ROGs & RFPs to Plaintiff with 6 th Supplemental Responses dated October 10, 2016		X	
A-53	Defendant's 1 st ROGs & RFPs to Plaintiff with 7 th Supplemental Responses dated October 27, 2016		X	
A-54	Defendant's 1 st ROGs & RFPs to Plaintiff with 8 th Supplemental Responses dated November 17, 2016		X	
A-55	Defendant's 1 st ROGs & RFPs to Plaintiff with 9 th Supplemental Responses dated November 21, 2016		X	
A-56	Defendant's 1 st ROGs & RFPs to Plaintiff with 10 th Supplemental Responses dated November 29, 2016		X	
A-57	Defendant's 1 st ROGs & RFPs to Plaintiff with 11 th Supplemental Responses dated December 16, 2016		X	
A-58	Defendant's 1 st ROGs & RFPs to Plaintiff with 12 th Supplemental Responses dated February 3, 2017		X	
A-59	Defendant's 1 st ROGs & RFPs to Plaintiff with 13 th Supplemental Responses dated February 9, 2017		X	
A-60	Report of Dr. Lawrence C. Murphy dated November 3, 2016		X	
A-61	Marysville School District Cynthia Stewart Work Summary by Date STEWART 004878-004879		X	
A-62	Marysville School District Jobs Available STEWART 004643-004853		X	

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Exhibit No.	Description	Authenticity & Admissibility Contested	Authenticity Stipulated, Admissibility Contested	Admissibility Stipulated
A-63	Marysville School District Jobs Requested by Cynthia Stewart STEWART 004877		X	
A-64	Marysville School District Jobs Cancelled by Cynthia Stewart STEWART 004868-004876		X	
A-65	Cynthia Stewart Marysville School District Profile STEWART 004498-004502		X	
A-66	Fitness for Duty Packet to Dr. Smith dated November 6, 2014 PUD 000757-000777		X	
A-67	FMLA Recertification Packet to Dr. Smith dated November 6, 2014 PUD 000223-000232		X	
A-68	Collective Bargaining Agreement between PUD and Local Union No. 77, effective through March 31, 2017 PUD 002620-002761		X	
A-69	2013 Drug Free Workplace Training PUD 001790-001815		X	
A-70	2013 Fitness for Duty & Employee Rules of Conduct Training PUD 001855-001868		X	
A-72	Employee Resources Fitness for Duty Webpage PUD 000673-000675		X	
A-73	Providence Inpatient Record dated January 15, 2012 PRMC 000003 MEDS - 000013 MEDS		X	
A-74	Providence Inpatient Record dated January 29, 2012 PRMC 000032 MEDS - 000042 MEDS		X	
A-75	Cascade Valley Emergency Department Clinical Report dated June 2, 2012 CVH 000009 MED/BILLS - 000011 MEDS/BILLS		X	

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A-76	Cascade Valley Emergency Department Clinical Report dated July 29, 2012 CVH 000031 MED/BILLS – 000034 MEDS/BILLS		X	
A-77	Cascade Valley Emergency Department Clinical Report dated August 15, 2012 CVH 000054 MED/BILLS – 000057 MEDS/BILLS		X	
A-78	WWMG Family Medicine Medical Records dated December 16, 2013 STEWART 001567-001569		X	
A-79	WWMG Family Medicine Medical Records dated April 9, 2013 STEWART 001943-001944		X	
A-80	WWMG Family Medicine Medical Records dated September 23, 2013 STEWART 001709-001711		X	
A-81	WWMG Family Medicine Medical Records dated November 1, 2013 STEWART 001646-001648		X	
A-82	WWMG Family Medicine Medical Records dated November 7, 2013 STEWART 001637-001639		X	
A-83	Cascade Valley Emergency Department Clinical Report dated November 17, 2013 CVH 000075 MED/BILLS – 000077 MEDS/BILLS		X	
A-84	WWMG Family Medicine Medical Records dated November 18, 2013 STEWART 001618-001620		X	
A-85	WWMG Family Medicine Medical Records dated November 22, 2013 STEWART 001609-001611		X	
A-86	WWMG Family Medicine Medical Records dated November 30, 2013 STEWART 001594-001596		X	
A-87	WWMG Family Medicine Medical Records dated December 3, 2013 STEWART 001588-001590		X	

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Exhibit No.	Description	Authenticity & Admissibility Contested	Authenticity Stipulated, Admissibility Contested	Admissibility Stipulated
A-88	WWMG Family Medicine Medical Records dated December 5, 2013 STEWART 001585-001587		X	
A-89	WWMG Family Medicine Medical Records dated December 6, 2013 STEWART 001582-001584		X	
A-90	WWMG Family Medicine Medical Records dated December 12, 2013 STEWART 001573-001575		X	
A-91	Cascade Valley Emergency Department Clinical Report dated January 8, 2014 CVH 000094 MED/BILLS – 000096 MEDS/BILLS		X	
A-92	WWMG Family Medicine Medical Records dated January 8, 2014 STEWART 001524-001526		X	
A-93	Cascade Valley Emergency Department Clinical Report dated January 16, 2014 CVH 000114 MED/BILLS – 000117 MEDS/BILLS		X	
A-94	WWMG Family Medicine Medical Records dated March 17, 2014 – March 19, 2014 STEWART 001450-001458		X	
A-95	Providence Inpatient Record dated March 20, 2014 PRMC 000060 MEDS – 000065 MEDS		X	
A-96	Pacific Rim Headache Center Records dated March 25, 2014 STEWART 002226-002227		X	
A-97	Pacific Rim Headache Center Records dated July 1, 2014 STEWART 002247-002251		X	
A-98	Note from Dr. Jones to Dr. Smith dated August 18, 2014 STEWART 002246		X	
A-99	Pacific Rim Headache Center Records dated October 16, 2014 STEWART 002241-002245		X	

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A-100	Cascade Valley Emergency Department Clinical Report dated November 22, 2014 CVH 000136 MED/BILLS – 000138 MEDS/BILLS		X	
A-101	Cascade Valley Emergency Department Clinical Report dated January 2, 2015 CVH 000157 MED/BILLS – 000159 MEDS/BILLS		X	
A-102	Pacific Rim Headache Center Records dated March 16, 2015 STEWART 002236-002240		X	
A-103	Pacific Rim Headache Center Records dated June 3, 2015 STEWART 002232-002235		X	
A-104	Note from Dr. Smith to Dr. Jones dated June 4, 2015 STEWART 002252		X	
A-105	WWMG Family Medicine Medical Records dated June 29, 2015 STEWART 000824-000826		X	
A-106	WWMG Family Medicine Medical Records dated July 6, 2015 STEWART 000817-000820		X	
A-107	WWMG Family Medicine Medical Records dated July 7, 2015 STEWART 000814-000816		X	
A-108	WWMG Family Medicine Medical Records dated August 29, 2015 WWMG 000519-000521		X	
A-109	WWMG Family Medicine Medical Records dated August 31, 2015 WWMG 000515-000518		X	
A-110	WWMG Family Medicine Medical Records dated September 21, 2015 WWMG 000476-478		X	
A-111	WWMG Family Medicine Medical Records dated October 9, 2015 WWMG 000450-000452		X	
A-112	WWMG Family Medicine Medical Records dated October 16, 2015		X	

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	WWMG 000440-000443			
A-113	WWMG Family Medicine Medical Records dated from November 30, 2015 to December 4, 2015 WWMG 000363-000375		X	
A-114	WWMG Family Medicine Medical Records dated from January 7, 2016 to January 12, 2016 WWMG 000300-000312		X	
A-115	Cascade Valley Emergency Department Clinical Report dated January 8, 2016 CVH 000196 MED/BILLS – 000199 MEDS/BILLS		X	
A-116	Cascade Valley Emergency Department Clinical Report dated January 10, 2016 CVH 000219 MED/BILLS – 000223 MEDS/BILLS		X	
A-117	WWMG Family Medicine Medical Records dated January 22, 2016 WWMG 000282-000284		X	
A-118	WWMG Family Medicine Medical Records dated January 30, 2016 WWMG 000270-000272		X	
A-119	Cascade Valley Emergency Department Clinical Report dated January 31, 2015 CVH 000177 MED/BILLS – 000179 MEDS/BILLS		X	
A-120	WWMG Family Medicine Medical Records dated from February 14, 2016 to March 1, 2016 WWMG 000219-000230		X	
A-121	WWMG Family Medicine Medical Records dated March 19, 2016 WWMG 000188-000190		X	
A-122	WWMG Family Medicine Medical Records dated April 26, 2016 WWMG 000141-000143		X	
A-123	WWMG Family Medicine Medical Records dated May 6, 2016		X	

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	WWMG 000120-000122			
A-124	WWMG Family Medicine Medical Records dated May 27, 2016 WWMG 000085-000087		X	
A-125	WWMG Family Medicine Medical Records dated May 31, 2016 WWMG 000082-000084		X	
A-126	WWMG Family Medicine Medical Records dated June 14, 2016 WWMG 000077-000078		X	
A-127	Stewart Badge Access Records PUD 002762-002769		X	
A-128	Stewart Login/Logout Report PUD 002770-002772		X	
A-129	WWMG Family Medicine Medical Records dated May 5, 2014 to May 30, 2015 STEWART 000873-001403		X	

VIII. ACTION BY THE COURT

- (a) This case is scheduled for trial without a jury on May 8, 2017 at 10:00 a.m.
- (b) Any pretrial filings, including this proposed order, trial briefs, and motions in limine, shall be submitted by Monday, May 1, 2017.

This order has been approved by the parties as evidenced by the signatures of their counsel. This order shall control the subsequent course of the action unless modified by a subsequent order. This order shall not be amended except by order of the court pursuant to agreement of the parties or to prevent manifest injustice.

DATED this 8 day of May, 2017.


HON. JOHN C. COUGHENOUR

1 Approved as to form:
2

3 MacDONALD HOAGUE & BAYLESS
4

5 By: /s/ Sam Kramer
6 Joe Shaeffer, WSBA # 33273
7 joe@mhb.com
8 Katherine C. Chamberlain, WSBA # 40014
9 katherinec@mhb.com
10 Sam Kramer, WSBA #50132
11 Samk@mhb.com
12 Attorneys for Plaintiff

13 MICHAEL & ALEXANDER PLLC
14

15 By: /s/ Cindy Lin
16 Suzanne Kelly Michael, WSBA #14072
17 Cindy M. Lin, WSBA #42959
18 Attorneys for Defendant
19
20
21
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