

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON**

A.M.,

Plaintiff,

v.

VALVE CORPORATION,

Defendant.

Case No. 2:16-cv-1166-TSZ

PRETRIAL ORDER

JURISDICTION

The Court has jurisdiction over this civil action under 28 U.S.C. section 1332 (diversity jurisdiction) as the parties are diverse and the amount in controversy exceeds \$75,000.

CLAIMS AND DEFENSES

The plaintiff will pursue at trial the following claims:

1. Wrongful Termination based on Defendant's discriminatory motive for terminating Plaintiff because of her transgender status and/or her disabilities.
2. Discrimination based on Defendant's termination of Plaintiff because of her transgender status and/or disabilities.
3. Unpaid Wages (Overtime) based on Defendant's failure to compensate Plaintiff for days she worked in excess of eight hours and weeks she worked in excess of 40 hours.
4. Cal. Business and Professional Code 17200 -17208, claims based on Defendant's violation of wage and hours laws, specifically Defendant's failure to pay Plaintiff all wages due

1 and owing, including overtime wages.

2 The defendant will pursue the following affirmative defenses:

3 1. Statute of limitations: Pursuant to California's one-year statute of limitations,
4 Defendant asserts that Plaintiff's discrimination claim is time-barred to the extent it is based on
5 alleged acts of discrimination occurring before March 30, 2015.

6 2. Failure to mitigate: Plaintiff's damages are limited to the extent she voluntarily
7 resigned in 2017 from comparable employment at another computer games designer and
8 distributor, NetMarble. Plaintiff's job at NetMarble provided her with pay, benefits, and job
9 duties that were substantially similar to those she had in her prior work with Defendant.
10 Plaintiff's damages are further limited to the extent she did not otherwise exercise reasonable
11 diligence in searching for, accepting and retaining comparable employment after her work for
12 Valve ended.

13 3. Limitation on damages: In addition, as discussed further in Valve's Motions in
14 Limine and in its Trial Brief, defendant believes there should be no jury trial concerning any
15 aspect of Plaintiff's employee/independent contractor misclassification claim because (1) the
16 Court has already dismissed her claims under California Labor Code Section 226.8; (2)
17 Defendant has already provided Plaintiff with all of the unpaid wages and associated interest to
18 which she claims to be entitled; (3) her request for damages under Chapter 5 (i.e., Section
19 17200 et seq) of the California Business and Professions Code is improper because that Chapter
20 does not authorize the recovery of any damages, and because she has already been provided
21 with the only restitutionary relief to which she might be entitled, namely, unpaid wages and
22 associated interest; (4) her request for treble damages based on the language of Chapter 4 of the
23 California Business and Professions Code is improper because she has not and cannot assert a
24 cause of action under the Chapter for employee/independent contractor misclassification; and
25 (5) her claim for unpaid final wages is barred under California law in cases involving disputes
26 about employee/independent contractor misclassification.
27

ADMITTED FACTS

The following facts are admitted by the parties:

1. Plaintiff is a transgender woman.
2. Plaintiff worked for Defendant as a translator and in customer support from 2008 until January 2016.
3. On January 15, 2016 Defendant notified Plaintiff that it decided to end Plaintiff's work with Defendant and bring Spanish translations in-house rather than continue to have the work done remotely. Defendant notified Plaintiff it is a company of in-house collaborators and Plaintiff being off site made it more difficult to communicate with her effectively regarding issues within the STS community.
4. In response to the termination notice, Plaintiff asked "If I were willing to relocate back to Seattle, do you believe the company would be willing to restore me as a full time in-house employee?" Defendant responded "We are not interested in moving you back to a full time position at Valve."
5. In 2013, Defendant provided positive feedback to Plaintiff regarding her performance.
6. In the year preceding her termination, Defendant gave Plaintiff an hourly raise from \$40 per hour to \$45 per hour.
7. At the time of termination, Defendant had no issue with the quality of Plaintiff's foreign language translations.
8. Before relocating to Los Angeles, Plaintiff received feedback that she was seen by co-workers as difficult, negative, argumentative, and not collaborative.

ISSUES OF LAW

The following are the issues of law to be determined by the court:

1. Motions in limine presented by the parties.
2. The jury instructions as presented by the parties.
3. The proper verdict form.

1 4. Evidentiary issues presented by the parties.

2 5. Whether Plaintiff has presented sufficient evidence to support a jury verdict on
3 her claims;

4 6. Attorneys' fees, costs, interest on damages, penalties, and tax consequences
5 associated with the judgment, whether in favor of Plaintiff or Defendant.

6 Plaintiff presents the following additional issue of law:

7 1. Whether defendant may seek summary judgment of plaintiff's claims in causes of action
8 six and seven through its motions in limine or trial brief when defendant did not seek
9 summary judgment on these claims before the scheduling order deadline and the Court
10 recognized in its ruling on summary judgment that the "unpaid wages and business and
11 professional code claims" are "going forward to trial"?;

12 2. Whether defendant may assert unpled affirmative defenses?

13 Defendant presents the following additional issues of law:

14 1. Whether Plaintiff is entitled to present her employee/independent classification claims to
15 a jury or, in the alternative, whether those claims have already been rendered moot by
16 Plaintiff's receipt of all unpaid wages and associated interests, and/or whether those
17 claims are improperly asserted under California law;

18 2. Whether Plaintiff is entitled to equitable relief for the claims she asserts under Section
19 17200 et seq. of the California Business and Professions Code; and whether she is
20 entitled to any relief under Chapter 4 of the California Business and Professions Code
21 (the Unfair Practices Act, Section 17000 et seq.) when she has not asserted any cause of
22 action under that Chapter and cannot do so.

23 **EXPERT WITNESS**

24 The name and address of the expert witness to be used by plaintiff at trial and the issue upon
25 which he will testify is:

26 (1) On half of plaintiff;

27 Ivan Greenspan, PsyD, treating psychologist, 4955 Van Nuys Blvd. Suite 704, Sherman

Oaks, CA 91403. Dr. Greenspan is a psychologist who will testify regarding Plaintiff's diagnosis and the emotional/psychological impact suffered by Plaintiff due to Defendant's decision to terminate Plaintiff's employment.

OTHER WITNESSES

The names and addresses of witnesses, other than experts, to be used by each party at the time of trial and the general nature of the testimony of each are:

(a) On behalf of plaintiff:

1. Kathy Gehrig, 29007 Se Preston Way, Issaquah, WA 98027. Ms. Gehrig is a former Human Resource Manager at Defendant who may be called to testify to facts related to Plaintiff's disclosure of disabilities, events surrounding a history of gender and/or disability discrimination in the workplace, and Defendant's policies, procedures, and training during her employment.

2. Juan Lorenzo Atienzar Godoy. Mr. Godoy is a former unpaid Steam Translation Server translator and moderator at Defendant who may be called to testify to facts related to Plaintiff's work and events surrounding a history of gender and/or disability discrimination in the workplace.

3. Francesca Gola, 2221 N 59th St, Seattle, WA 98103. Ms. Gola is a former translator and customer support representative at Defendant. Ms. Gola may be called to testify to facts related to Plaintiff's work and events preceding Defendant's decision to terminate Plaintiff's employment and surrounding a history of gender and/or disability discrimination in the workplace.

4. Erik Johnson, 10900 NE 4th St, Bellevue, WA 98004. Mr. Johnson is a business development and employee compensation employee at Defendant. Mr. Johnson will be called to testify to facts related to Defendant's policies, procedures and training and events surrounding a history of gender and/or disability discrimination in the workplace.

5. Laure Lacascade, 10900 NE 4th St, Bellevue, WA 98004. Ms. Lascade is currently a project manager at Defendant who may be called to testify to facts related to

1 Plaintiff's work, Defendant's policies, procedures, and training, and events preceding
2 Defendant's decision to terminate Plaintiff's employment and surrounding a history of gender
3 and/or disability discrimination in the workplace.

4 6. Liam Lavery, 16 Comstock St, Seattle, WA 98109. Mr. Lavery is currently
5 general counsel at Defendant who will be called to testify to facts related to Defendant's
6 classification of Plaintiff, Defendant's policies, procedures and training, and events surrounding
7 a history of gender and/or disability discrimination in the workplace.

8 7. Scott Lynch, 10900 NE 4th St, Bellevue, WA 98004. Mr. Lynch is currently a
9 director and chief operating officer at Defendant who will be called to testify to facts related to
10 Defendant's classification of Plaintiff, Defendant's policies, procedures and training, and events
11 surrounding a history of gender and/or disability discrimination in the workplace.

12 8. Plaintiff Antonella Maddalena, of Studio City, CA. Ms. Maddalena will be called
13 to testify to facts regarding all aspects of her claims against Defendant.

14 9. Victor Hugo Martin, Calle San José 76 30510 Yecla, Murcia, Spain. Mr. Martin is
15 a former unpaid Steam Translation Server translator and moderator at Defendant who may be
16 called to testify to facts related to Plaintiff's work and events preceding Defendant's decision to
17 terminate Plaintiff's employment and surrounding a history of gender and/or disability
18 discrimination in the workplace.

19 10. Dina Nelson, 14632 Se 22nd St, Bellevue, WA 98007. Ms. Nelson is a former
20 Human Resource Manager at Defendant who will be called to testify to facts related to Plaintiff's
21 disclosure of disabilities, Plaintiff's work, Defendant's decision to terminate Plaintiff's
22 employment, events preceding Defendant's decision to terminate Plaintiff's employment and
23 surrounding a history of gender and/or disability discrimination in the workplace, and
24 Defendant's policies, procedures, and training during her employment.

25 11. Elizabeth Ratto, 10224 41st Ave SW, Seattle, WA 98146. Ms. Ratto is currently a
26 benefits and payroll administrator at Defendant who will be called to testify to facts related to
27 Plaintiff's work, Plaintiff's benefits and payroll, and benefits Defendant provided to workers

classified as employees during the time period that Defendant classified Plaintiff as a contractor.

12. Florent Schiffer, 10900 NE 4th St, Bellevue, WA 98004. Mr. Schiffer is currently a project manager at Defendant who may be called to testify to facts related to Plaintiff's work, Defendant's policies, procedures, and training, and events preceding Defendant's decision to terminate Plaintiff's employment and surrounding a history of gender and/or disability discrimination in the workplace.

13. Juan Jose Villegas, Ronda de Capuchinos n1 3C, 41009, Sevilla, Spain. Mr. Villegas is a former unpaid Steam Translation Server translator and moderator at Defendant who may be called to testify to facts related to Plaintiff's work and events preceding Defendant's decision to terminate Plaintiff's employment and surrounding a history of gender and/or disability discrimination in the workplace.

14. Torsten Zabka, 4916 69th Avenue Ct W, University Place, WA 98467. Mr. Zabka is currently the Steam Translation Server supervisor at Defendant who will be called to testify to facts related to Plaintiff's work, Defendant's decision to terminate Plaintiff's employment, events preceding Defendant's decision to terminate Plaintiff's employment and surrounding a history of gender and/or disability discrimination in the workplace, and Defendant's policies, procedures, and training.

(b) On behalf of defendant:

1. Lauren Alexander

Will testify

c/o Fox Rothschild LLP

1001 Fourth Ave., Ste. 4500

Seattle, WA 98154

(206) 624-3600

Ms. Alexander will testify regarding Plaintiff's work with Valve, Plaintiff's performance issues, and Plaintiff's dismissal

2. John Cook

Will testify

c/o Fox Rothschild LLP

1 1001 Fourth Ave., Ste. 4500

2 Seattle, WA 98154

3 (206) 624-3600

4 Mr. Cook will testify regarding Plaintiff's work with Valve, Plaintiff's performance issues, and
5 Plaintiff's dismissal.

6 3. Dawn Dempsey

May testify

7 c/o Fox Rothschild LLP

8 1001 Fourth Ave., Ste. 4500

9 Seattle, WA 98154

10 (206) 624-3600

11 Ms. Dempsey may testify regarding a workplace discussions leading to Plaintiff's dismissal.

12 4. Justin Ennen

May testify

13 c/o Fox Rothschild LLP

14 1001 Fourth Ave., Ste. 4500

15 Seattle, WA 98154

16 (206) 624-3600

17 Mr. Ennen may testify regarding evidence that Plaintiff did not perform all of the work for which
18 she claimed and received payment from Valve.

19 5. Liam Lavery

May testify

20 c/o Fox Rothschild LLP

21 1001 Fourth Ave., Ste. 4500

22 Seattle, WA 98154

23 (206) 624-3600

24 Mr. Lavery may be called to testify to facts related to his knowledge of Plaintiff's work, peer
25 feedback concerning her work at Valve, and her proposed dismissal in early 2011.

26 6. Dina Nelson

Will testify

27 c/o Fox Rothschild LLP

1 1001 Fourth Ave., Ste. 4500

2 Seattle, WA 98154

3 (206) 624-3600

4 Ms. Nelson will be called to testify to facts related to her knowledge of Plaintiff's work at Valve,
5 the circumstances leading to the termination of Plaintiff's work with Valve, and other facts with
6 which she was familiar concerning Valve's operations and human resources practices.

7 7. Elizabeth Ratto

May testify

8 c/o Fox Rothschild LLP

9 1001 Fourth Ave., Ste. 4500

10 Seattle, WA 98154

11 (206) 624-3600

12 Ms. Ratto may be called to testify to facts concerning Plaintiff's compensation at Valve.

13 8. Jenni Salmi

Will testify

14 c/o Fox Rothschild LLP

15 1001 Fourth Ave., Ste. 4500

16 Seattle, WA 98154

17 (206) 624-3600

18 Ms. Salmi will testify regarding Plaintiff's work with Valve, Plaintiff's performance issues, and
19 Plaintiff's dismissal.

20 9. Doug Valente

May testify

21 c/o Fox Rothschild LLP

22 1001 Fourth Ave., Ste. 4500

23 Seattle, WA 98154

24 (206) 624-3600

25 Mr. Valente may testify regarding Plaintiff's work with Valve and Plaintiff's performance issues.

26 10. Torsten Zabka

27 c/o Fox Rothschild LLP

1001 Fourth Ave., Ste. 4500

Seattle, WA 98154

(206) 624-3600

Mr. Zabka will be called to testify to facts concerning Plaintiff's work and work responsibilities at Valve; his work relationship and communications with Plaintiff; the circumstances leading to Valve's decision to terminate its work with Plaintiff, and other facts with which he was familiar regarding Plaintiff and concerning Valve's operations.

The parties reserve the right to call additional rebuttal witnesses, the necessity of whose testimony cannot reasonably be anticipated at this time.

EXHIBITS

Plaintiff's Exhibits:

At the time of trial, Plaintiff plans to offer the following exhibits, excluding exhibits to be used for impeachment only:

Plaintiff Exhibit No.	Description	Admiss. Stip.	Auth. Stip. Admiss. Disp.	Auth. & Admiss. Disp.	Admitted
1	A.M. email re hostile work environment dated January 7, 2016 (VALVE_AM_0015450-0015452)				
2	Nelson termination email to A.M., dated January 15, 2016 (VALVE_AM_0000126)				
3	Nelson email denying A.M. chance to relocate to Bellevue, dated January 19, 2016 (VALVE_AM_000125)				
4	Valve email string re positive feedback (VALVE_AM_0016145-146)				
5	AM email to Nelson re raise, dated, May 8 2015; (VALVE_AM_0015854)				
6	Zabka 2015 Peer Review email (Nelson Dep Ex. 2)				
7	Valve email string discussing "it" de-humanize (VALVE_AM_0000649-0000650)		X		

Plaintiff Exhibit No.	Description	Admiss. Stip.	Auth. Stip. Admiss. Disp.	Auth. & Admiss. Disp.	Admitted
8	Email from Godoy to Nelson, dated August 19, 2016 re Zabka chat (AM000124-125)			X	
9	Email between Lynch and Johnson, dated October 13, 2013 (VALVE_AM_0080321-80322)		X		
10	Zabeki chat with Zabka, dated January 15, 2013 (VALVE_AM_0078537)			X	
11	AM to Nelson, dated, March 16, 2011(Nelson Dep. Ex. 10)				
12	Contractor Agreement, dated February 2012 (VALVE_AM_000104-108)				
13	Email between Nelson and AM, dated March 23-24, 2015 (Nelson Dep Ex. 9)		X		
14	Valve handbook (Nelson Dep. Ex. 1)		X		
15	Nelson email to Cook, dated January 14, 2016 (Nelson Dep Ex.3)				
16	Cook email to Nelson, dated January 14, 2016 (Nelson Dep Ex. 4)				
17	Email calendaring Jan 21, 2016 meeting re AM (VALVE_AM_0015440)				
18	Email string re AM termination dated January 15, 2016 (Nelson Dep. 5)				
19	Nelson email dated January 15, 2016 (Nelson Dep Ex. 6)				
20	HR termination form (VALVE_AM_0000123)		X		
21	Rollup hours before termination; (VALVE_AM_0000117)			X	
22	Teamviewer (Villegas Decl. Ex. A)			X	
23	Zabka email dated November 8, 2014 (Villegas Decl. Ex. B)			X	
24	Zabka email dated November, 10, 2014 (Villegas Decl. Ex. B)			X	
25	Zabka email dated November 17, 2017 (Villegas Decl. Ex. B)			X	
26	Zabka email to Villegas dated June 15, 2015 (Villegas Decl. Ex. B)			X	
27	River email to Nelson dated January 11, 2016 (VALVE_AM_0015446)				
28	Chat including TZ, AM, JV, CW(VALVE_AM_0007560)			X	

Plaintiff Exhibit No.	Description	Admiss. Stip.	Auth. Stip. Admiss. Disp.	Auth. & Admiss. Disp.	Admitted
29	A.M. chat with Lacascade dated January 8, 2016 (VALVE_AM_0000574)				
30	A.M. chat with Lacascade dated January 8, 2016 (VALVE_AM_0000578)				
31	A.M. chat with Lacascade dated January 7, 2016 (VALVE_AM_0000586)				
32	Salmi chat with Schiffer, dated January 12, 2016 (VALVE_AM_0016208)				
33	Nelson email to Cook and Boyd, dated December 8, 2014 VALVE_AM_0045501)				
34	Email between A.M., Zabka and others, dated Jan 5, 2016 (ZabkaDep. Ex. 11)				
35	A.M. email to Ratto, dated July 15, 2014 (VALVE_AM_0016130-16131)		X		
36	Tabish email to Nelson, dated May 31, 2013 (VALVE_AM_0016020 -16021)		X		
37	A.M. email to Ratto, dated December 16, 2012 (VALVE_AM_0000116)		X		
38	A.M. email to Ratto, dated November 13, 2012 (VALVE_AM_0000118)		X		
39	A.M. email to Zabka, dated September 13, 2015 (VALVE_AM_0005128)				
40	Zabka and AM chat (VALVE_AM_78555)				
41	Email string dated November 2, 2015 (VALVE_AM_0011643-11653)		X		
42	Coombs email to A.M., dated January 8, 2016 (VALVE_AM_0001895)		X		
43	Employee pay record spreadsheet (VALVE_AM_0079085)		X		
44	Timesheet 2.2012 (VALVE_AM_0016091)			X	
45	Zabka email dated November 17, 2015 (VALVE_AM_0007603-4)				
46	Zabka email to A.M., dated January 8, 2016 (VALVE_AM_0000891)				
47	Martin email re Westwood, dated 12.24.15 (VALVE_AM_0000897-0000898)				
48	2013 tax return (AM0002882-2909)		X		
49	2014 tax return (AM0002910-2973)		X		
50	2012 tax return (AM0005624-5662)		X		
51	2015 tax return (AM0005663-5695)		X		

Plaintiff Exhibit No.	Description	Admiss. Stip.	Auth. Stip. Admiss. Disp.	Auth. & Admiss. Disp.	Admitted
52	2016 tax return (AM0002974-2988)		X		
53	2012-2016 timesheets/payroll records (VALVE_AM_0000002-88)		X		
54	Revised Timecard Analysis 09082017 (AM005712-5734)			X	
55	Google ZeroChaos Records (AM0005704-5705)				
56	Netmarble Records (AM005595-AM005601)				
57	I-Yuno Records (AM005696-5700, and AM005735)				
58	CA Unemployment screenshots (AM005701-5703)		X		
59	GTH Letter, date September 8, 2010 (VALVE_AM_080481-80483)		X		
60	Valve Answers to A.M.'s First Interrogatories		X		
61	Insurance and Benefit records (VALVE_AM_0000091, 0000128, 0015508-15577, and 0078832-78945)			X	
62	Email dated April 22, 2016 re unemployment (AM001681-3)			X	
63	Email dated April 12, 2016 re unemployment (AM001696)			X	
64	Valve Supplemental Answers to A.M.'s First Interrogatories			X	
65	VH Martins email dated July 25, 2016 to Nelson, Zabka and Newell, etc. (Valve_AM_0005101-2)			X	
66	[HR_USA] email dated September 8, 2017 re September 5, 2017 Payroll (AM005706-5708)			X	
67	Dr. Greenspan Invoice (AM005709-5710)				
68	Past and Future Lost Wages Analysis (AM005711)			X	
69	Check No. 28628 re Overtime Wages and Interest		X		
70	Gola email to Zabka and A.M., dated January 13, 2016 (VALVE_AM_0001303)				
71	Valve Intranet Screenshot – Anti-Harassment Policy (VALVE_AM_0078830-78831)				

Defendant's Exhibits:

At the time of trial, Defendant plans to offer the following exhibits, excluding exhibits to be used for impeachment only:

Ex. No.	Bates No.	Document	Admiss. stip.	Auth. stip., admiss. disp.	Auth. &admiss. disp.	Admitted
A-1	VALVE_A M_007824 3	Chat dated October 16, 2009		X		
A-2	VALVE_A M_007831 2.001-2	Chat dated March 4, 2010		X		
A-3	VALVE_A M_007839 3	Chat dated September 16, 2010				
A-4	VALVE_A M_0006466- 7	Email dated December 6, 2010 re 2010 peer review			X	
A-5	VALVE_A M_0080266- 67, 75-78	Email dated January 12, 2011 re negative reviews			X	
A-6	VALVE_A M_0007640	Email dated January 18, 2011 re AM feedback			X	
A-7	VALVE_A M_0007639	Email dated February 15, 2011 re concerns about AM			X	
A-8	VALVE_A M_0074767- 9	Email dated February 23, 2011 re compensation			X	
A-9	VALVE_A M_0074748- 50	Email dated February 27, 2011 re compensation			X	
A-10	VALVE_A M_0074738- 42	Email dated February 28, 2011 re AM			X	
A-11	VALVE_A M_0074721- 4	Email dated March 2, 2011 re compensation			X	
A-12	VALVE_A M_0074716	Email dated March 10, 2011 re AM compensation			X	

Ex. No.	Bates No.	Document	Admiss. stip.	Auth. stip., admiss. disp.	Auth. &admiss. disp.	Admitted
A-13	VALVE_A M_0078466	Chat dated August 11, 2011 re AM transition				
A-14	VALVE_A M_0005172- 3	Email dated December 8, 2011 re feedback			X	
A-15	VALVE_A M_0078070	Chat dated May 5, 2012				
A-16	Not numbered	Chat from January 15, 2013 between Torsten Zabka and Shawn Zabecki			X	
A-17	VALVE_A M_0005114- 18	Google chat dated 11/7/14 between AM and Zabka			X	
A-18	VALVE_A M_0046521	Chat dated April 29, 2015 re AM feedback			X	
A-19	VALVE_A M_0074489	Email dated November 9, 2015 re Spanish support			X	
A-20	VALVE_A M_0010974- 5	Email dated November 10, 2015 re Spanish support			X	
A-21	VALVE_A M_0010768- 9	Email dated November 12, 2015 re AM's quality of customer ticket handling.			X	
A-22	VALVE_A M_0007186- 7	Chat dated November 13, 2015 re AM's quality of customer ticket handling			X	
A-23	VALVE_A M_0010671- 76	Email dated November 13, 2015 re AM's quality of customer ticket handling			X	
A-24	VALVE_A M_0009810	Email dated November 24, 2015 re AM's work anniversary				
A-25	VALVE_A M_0007565	Email dated December 14, 2015 re removing Juan Jose Villegas			X	

Ex. No.	Bates No.	Document	Admiss. stip.	Auth. stip., admiss. disp.	Auth. &admiss. disp.	Admitted
A-26	VALVE_A M_0003659- 60	Email dated December 25, 2015 re Clint Westwood				
A-27	VALVE_A M_0005021- 6	Chat dated January 5, 2016 re Clint Westwood				
A-28	VALVE_A M_0005014- 5	Chat dated January 5, 2016 re Juan Jose			X	
A-29	VALVE_A M_0004860- 1	Email dated January 7, 2016 re Clint Westwood				
A-30	VALVE_A M_0005013	Email dated January 7, 2016 re Torsten preparation			X	
A-31	VALVE_A M_0004850- 2	Email dated January 7, 2016 re Clint Westwood removal				
A-32	VALVE_A M_0004825- 6	Email dated January 8, 2016 re Juan Jose Villegas				
A-33	VALVE_A M_0004837	Email dated January 8, 2016 re AM admin privileges				
A-34	VALVE_A M_0005105- 7	Notes dated January 12, 2016 re AM			X	
A-35	VALVE_A M_0005010- 1	Email dated January 8, 2016 re STS				
A-36	VALVE_A M_0005012	Email dated January 8, 2016 re STS strike				
A-37	VALVE_A M_0005129	Email dated January 10, 2016 re STS				
A-38	VALVE_A M_0005008- 9	Email dated January 12, 2016 re Torsten and STS				

Ex. No.	Bates No.	Document	Admiss. stip.	Auth. stip., admiss. disp.	Auth. &admiss. disp.	Admitted
A-39	VALVE_A M_0015441- 3	Email dated January 14, 2016 re Torsten and STS				
A-40	VALVE_A M_0004764	Email dated January 14, 2016 re Torsten and STS				
A-41	VALVE_A M_0007541	Email dated January 14, 2016 re meeting re AM			X	
A-42	VALVE_A M_0078729	Handwritten notes by Dawn Dempsey			X	
A-43	VALVE_A M_0074811	Email dated January 15, 2016 re AM			X	
A-44	VALVE_A M_0007747- 8	Email dated January 15, 2016 re AM			X	
A-45	VALVE_A M_0015438- 9	Email dated January 15, 2016 re AM			X	
A-46	VALVE_A M_0068919	Email dated January 18, 2016 re AM dismissal			X	
A-47	VALVE_A M_0074472- 3	Email dated January 18, 2016 re AM dismissal			X	
A-48	VALVE_A M_0015437	Email dated January 19, 2016 re AM dismissal			X	
A-49	VALVE_A M_0007544	Appointment dated January 21, 2016 re AM			X	
A-50	VALVE_AM _0080396- 0080418	Spreadsheet regarding AM work hours			X	
A-51	IG000001- 000106	Medical Records of Ivan Greenspan PsyD, QME			X	

Ex. No.	Bates No.	Document	Admiss. stip.	Auth. stip., admiss. disp.	Auth. &admiss. disp.	Admitted
A-52	VALVE_AM _0078062	Chat dated February 24, 2012 between AM and Torsten Zabka				
A-53	VALVE_AM _0078072	Chat dated May 18, 2012 between AM and Torsten Zabka				
A-54	VALVE_A M_0078156	Chat dated May 18, 2009 between AM and Torsten Zabka				
A-55	VALVE_A M_0078535	Chat dated February 4, 2012 7:32:29 PM between AM and Torsten Zabka				
A-56	VALVE_A M_0005108- 13	Google chat dated October 25, 2015 between AM and Zabka			X	
A-57	VALVE_A M_0005119- 25	Email dated September 29, 2015 from Zabka to AM				
A-58	Not Numbered	Progress note dated June 2, 2017 (Greenspan Dep Ex. 2)				

DEPOSITIONS

Plaintiff Plans to Offer the Following Portions of Deposition Transcripts at Trial

Except for deposition testimony offered solely for impeachment, Plaintiff plans to offer the following:

Valve	40:3-41:1 76:22-77:23 118:15-24 119:22-120:10 153:20-154:15
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1 Except for deposition testimony offered solely for impeachment, Defendant plans to offer
2 the following portions of deposition transcripts:

3 Deposition of Dr. Ivan Greenspan	4:12-5:2 5:20-6:2 8:18-9:5 15:11-16:15 17:13-23 19:4-17 19:24-20:16 21:15-24:10 25:17-24 26:1-18 27:10-16 30:24-32:16 33:11-14 33:24-37:21 39:22-41:21 44:16-46:23 48:12-49:7 51:17-52:2 52:13-18 53:7-8 54:3-9 54:13-56:6 59:25-60:4 60:23-61:13 62:20-63:2 65:20-66:9 69:19-70:23 72:24-73:11 74:5-8 75:20-76:5 76:17-77:18 78:23-79:2 82:12-88:1 88:22-94:15 97:3-25
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21 ACTION BY THE COURT

22 (a) This case is scheduled for trial before a jury on October 27, 2017 at 9:00 am.

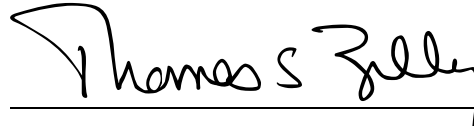
23 (b) Trial briefs shall be submitted to the court on or before October 6, 2017.

24 (c) Jury instructions requested by either party shall be submitted to the court on or before
25 October 6, 2017. Suggested questions of either party to be asked of the jury by the court on voir
26 dire shall be submitted to the court on or before October 6, 2017.

27 (d) (Insert any other ruling made by the court at or before pretrial conference.)

1 This order has been approved by the parties. This order shall control the subsequent
2 course of the action unless modified by a subsequent order. This order shall not be amended
3 except by order of the court pursuant to agreement of the parties or to prevent manifest injustice.

4 DATED this 13th day of October, 2017.

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8 Thomas S. Zilly
9 United States District Judge
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