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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT SEATTLE

8 IRENE RIGGS,

9 Plaintiff,

10 v.

11 LIFE CARE CENTERS OF AMERICA,  
12 INC.,

13 Defendant.

C16-1525 TSZ

ORDER

14 THIS MATTER comes before the Court on plaintiff's motion, docket no. 24, for  
15 an order authorizing and directing Jan Young, an ombudsman within the meaning of  
16 45 C.F.R. § 1324.11, to provide testimony in this matter, or in the alternative, to extend  
17 the deadline for disclosing experts. Having reviewed all papers filed in support of, and in  
18 opposition to, plaintiff's motion, the Court GRANTS the motion in part, and DENIES the  
19 motion in part, as follows:

20 (1) Pursuant to 42 U.S.C. § 3058i(e)(2) and 45 C.F.R. § 1324.11(e)(3)(ii)(C),  
21 Jan Young is hereby AUTHORIZED and DIRECTED to provide deposition testimony  
22 in this matter and to produce documents concerning the complaint of patient or resident  
23 abuse made against plaintiff in January 2016, the investigation relating thereto, and any

1 determinations made or opinions formed regarding such complaint. The Court makes no  
2 ruling concerning whether Jan Young is an expert within the meaning of Federal Rule of  
3 Evidence 702 or the extent to which she will be permitted to testify at trial.

4 (2) The discovery deadline is EXTENDED to September 29, 2017, for the sole  
5 purpose of taking Jan Young's deposition, if either party wishes to do so. The transcript  
6 of Jan Young's deposition and all documents produced by Jan Young, the Area Agency  
7 on Aging for North Idaho, or the Idaho State Ombudsman's office shall be designated as  
8 confidential, and shall not be disclosed to anyone other than the attorneys in this matter or  
9 the Court (by way of a sealed filing), absent further order of the Court.

10 (3) Jan Young's deposition shall be scheduled, with at least seven (7) days'  
11 notice, at a time and location convenient to her, her legal representative, if any, and  
12 counsel for all parties. Any written objection to the taking of the deposition by Jan  
13 Young and/or the Idaho agencies involved may (but need not be) electronically filed or  
14 may be mailed to the Clerk of the Court, United States District Court for the Western  
15 District of Washington, 700 Stewart Street, Seattle, WA 98101, with copies provided to  
16 the attorneys for both parties.

17 (4) Plaintiff's alternative request to extend the expert disclosure deadline for  
18 purposes of permitting Dee Childers to be designated as an expert on the standard for  
19 mental abuse and whether plaintiff's conduct in January 2016 rose to the level of mental  
20 abuse is DENIED.

