

AMERICAN BOARD
OF TRIAL ADVOCATES
SACRAMENTO VALLEY CHAPTER



INITIAL & EXPERT WITNESS DISCLOSURES: EVERYTHING YOU NEED TO KNOW

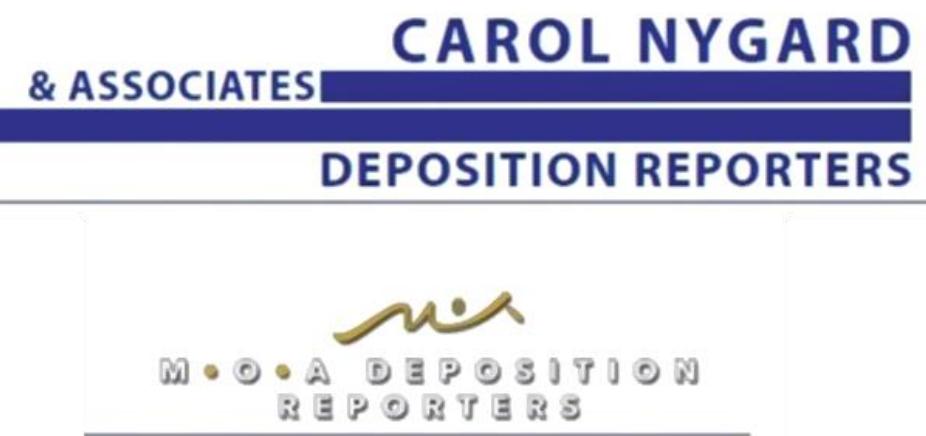
Friday, August 23, 2024

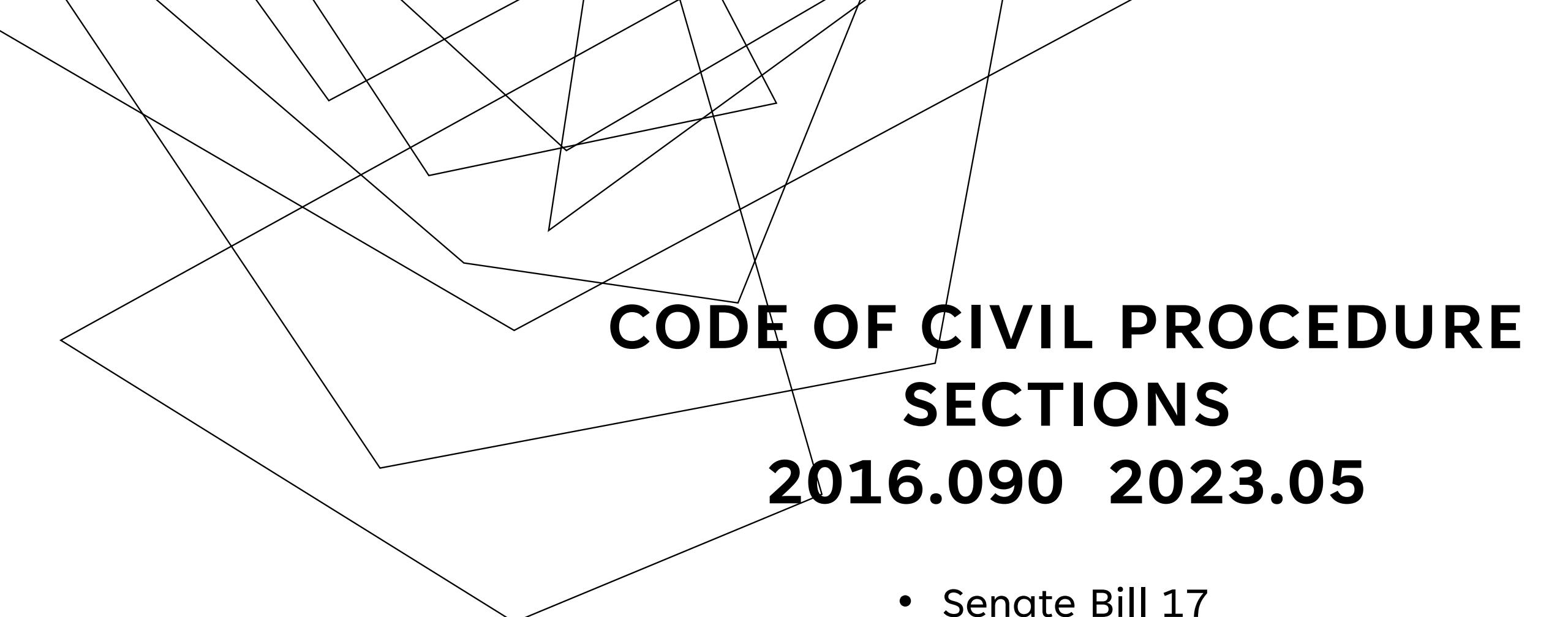
12pm – 1pm

SPONSORS



*Results Beyond Dispute*SM





CODE OF CIVIL PROCEDURE SECTIONS

2016.090 2023.05

- Senate Bill 17
- Effective January 1, 2020

Bill Section:

2019-2020 SB17 Section 1. (Adds) - Chaptered (Stats.2019 Ch.836)

SECTION 1. Section 2016.090 is added to the Code of Civil Procedure, immediately following Section 2016.080, to read:

2016.090.

(a) The following shall apply only to a civil action upon an order of the court following stipulation by all parties to the action:

(1) Within 45 days of the order of the court, a party shall, without awaiting a discovery request, provide to the other parties an initial disclosure that includes all of the following information:

(A) The names, addresses, telephone numbers, and email addresses of all persons likely to have discoverable information, along with the subjects of that information, that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment.

(B) A copy, or a description by category and location, of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment.

(C) Any agreement under which an insurance company may be liable to satisfy, in whole or in part, a judgment entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.

(D) Any agreement under which a person, as defined in Section 175 of the Evidence Code, may be liable to satisfy, in whole or in part, a judgment entered in the action or to indemnify or reimburse for payments made to satisfy the judgment. Only those provisions of an agreement that are material to the terms of the insurance, indemnification, or reimbursement are required to be included in the initial disclosure. Material provisions include, but are not limited to, the identities of parties to the agreement and the nature and limits of the coverage.

(2) A party shall make its initial disclosures based on the information then reasonably available to it. A party is not excused from making its initial disclosures because it has not fully investigated the case, because it challenges the sufficiency of another party's disclosures, or because another party has not made its disclosures.

(3) A party that has made its initial disclosures, as described in paragraph (1), or that has responded to another party's discovery request, shall supplement or correct a disclosure or response in the following situations:

(A) In a timely manner if the party learns that in some material respect the disclosure or response is incomplete or incorrect and the additional or corrective information has not otherwise been made known to the other parties during the disclosure or discovery process.

(B) As ordered by the court.

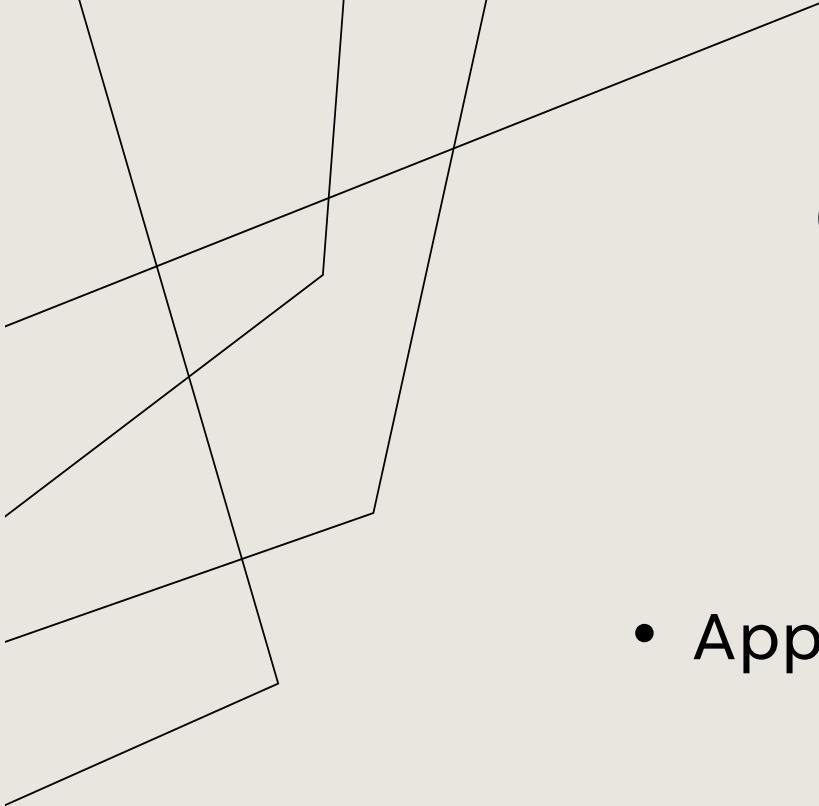
(4) A party's obligations under this section may be enforced by a court on its own motion or the motion of a party to compel disclosure.

(5) A party's disclosures under this section shall be verified under penalty of perjury as being true and correct to the best of the party's knowledge.

(b) Notwithstanding subdivision (a), this section does not apply to the following actions:

(1) An unlawful detainer action, as defined in Section 1161.

(2) An action in the small claims division of a court, as defined in Section 116.210.



CODE OF CIVIL PROCEDURE

SECTION 2016.090

- Applicable if
 - The parties stipulated
 - A court order
- Required certain disclosures within 45 days
 - Unless the witnesses, documents, ESI or tangible things would be used for the sole purpose of impeachment

WITNESSES

- Names, addresses, telephone numbers and email addresses
- All persons likely to have discoverable information
- “The subjects of that information”
- Does not apply to expert witnesses

DOCUMENTS, ESI AND TANGIBLE THINGS

- If in parties' possession, custody or control
- Provide
 - A copy or
 - A description by category and location

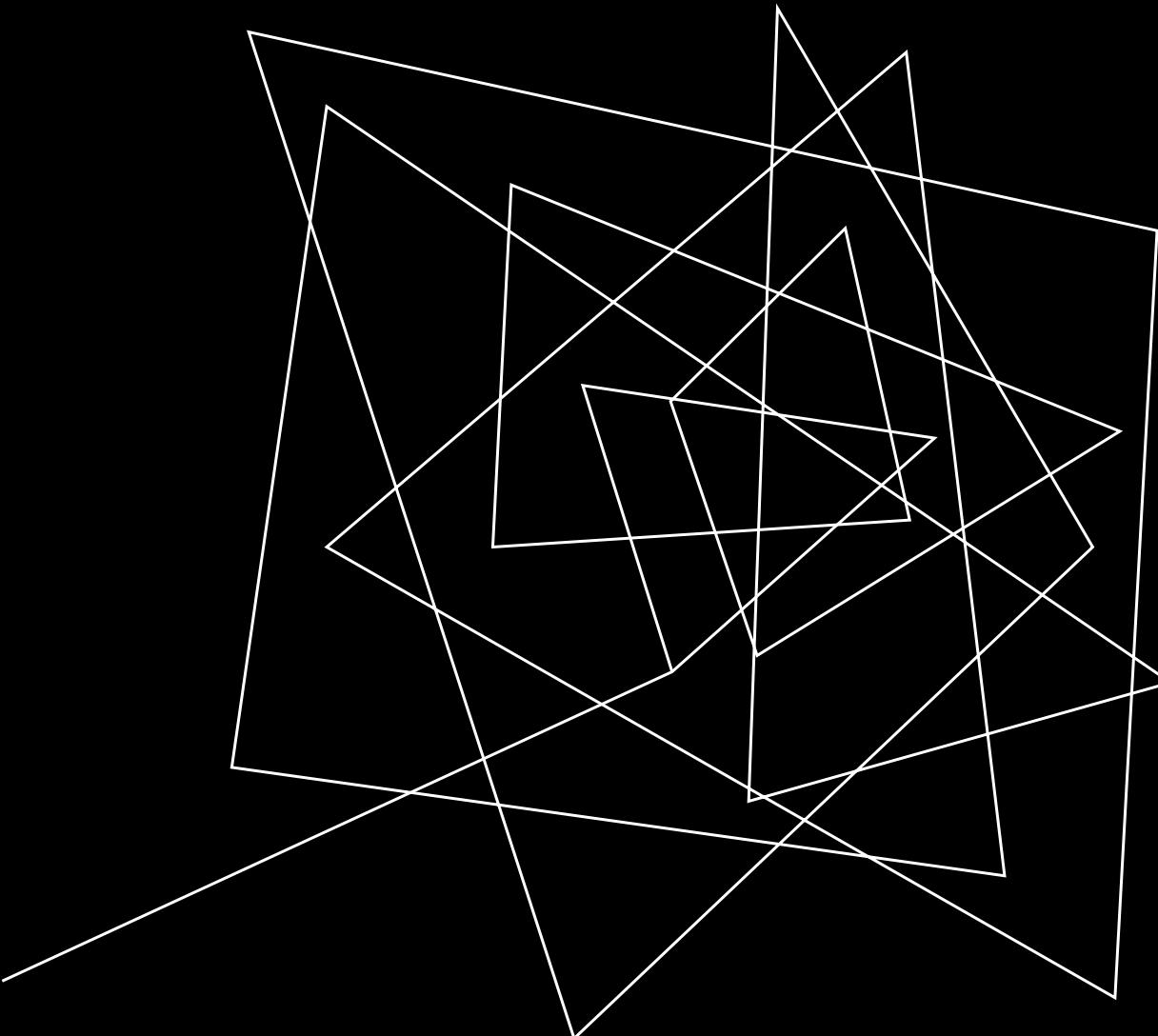
ALSO REQUIRED TO PRODUCE

- An insurance company's liability policy
- Any person's (Evidence Code Section 175)
 - Contract or liability insurance policy
 - By which they may be liable
 - For the judgment
 - For indemnity
 - For reimbursement of "payments made to satisfy the judgment"
 - Contract or liability insurance policy
 - Material provisions only

For example:

- General contractor and subcontractor contracts
- Third party finance agreements?
- Legislative history: Who has a stake in the litigation

MISCELLANEOUS PROVISIONS



- Cannot avoid a disclosure because:
 - Have not completed a full investigation
 - Some other party did not disclose
 - Some other party's disclosure was deficient
- Obligation to timely supplement or correct
 - Learn prior information incomplete or incorrect
 - Other party not aware
- Court Order
- Verified by the party
- Supplemental Demands
 - Twice before initial setting of trial date
 - Once after initial setting
- Motion to Compel
- Two Exceptions

Bill Section:

20192020 SB17 Sec. 2. (Adds) - Chaptered (Stats.2019 Ch.836)

SEC. 2. Section 2023.050 is added to the Code of Civil Procedure, immediately following Section 2023.040, to read:

2023.050.

(a) Notwithstanding any other law, and in addition to any other sanctions imposed pursuant to this chapter, a court shall impose a two hundred and fifty dollar (\$250) sanction, payable to the requesting party, upon a party, person, or attorney if, upon reviewing a request for a sanction made pursuant to Section 2023.040, the court finds any of the following:

(1) The party, person, or attorney did not respond in good faith to a request for the production of documents made pursuant to Section 2020.010, 2020.410, 2020.510, or 2025.210, or to an inspection demand made pursuant to Section 2031.010.

(2) The party, person, or attorney produced requested documents within seven days before the court was scheduled to hear a motion to compel production of the records pursuant to Section 2025.450, 2025.480, or 2031.320 that is filed by the requesting party as a result of the other party, person, or attorney's failure to respond in good faith.

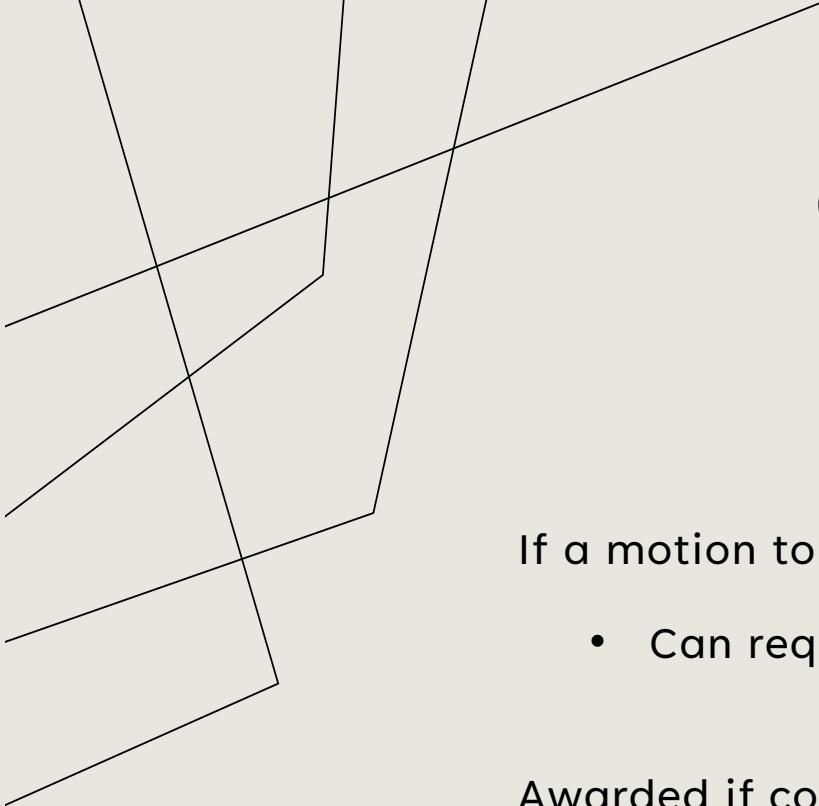
(3) The party, person, or attorney failed to confer in person, by telephone, letter, or other means of communication in writing, as defined in Section 250 of the Evidence Code, with the party or attorney requesting the documents in a reasonable and good faith attempt to resolve informally any dispute concerning the request.

(b) Notwithstanding paragraph (3) of subdivision (o) of Section 6068 of the Business and Professions Code, the court may, in its discretion, require an attorney who is sanctioned pursuant to subdivision (a) to report the sanction, in writing, to the State Bar within 30 days of the imposition of the sanction.

(c) The court may excuse the imposition of the sanction required by subdivision (a) if the court makes written findings that the one subject to the sanction acted with substantial justification or that other circumstances make the imposition of the sanction unjust.

(d) Sanctions pursuant to this section shall be imposed only after notice to the party, person, or attorney against whom the sanction is proposed to be imposed and opportunity for that party, person, or attorney to be heard.

(e) For purposes of this section, there is a rebuttable presumption that a natural person acted in good faith if that person was not represented by an attorney in the action at the time the conduct that is sanctionable under subdivision (a) occurred. This presumption may only be overcome by clear and convincing evidence.



CODE OF CIVIL PROCEDURE

SECTION 2023.050

If a motion to compel

- Can request a sanction of \$250

Awarded if court finds

- Not respond in good faith to a request for production of documents
- Documents produced within 7 days of hearing date
- No meet and confer by responding party

Possible report to State Bar

THOMAS UMBERG

- State Senator for 34th District
- Democrat
- Chair of Senate Judiciary Committee
- Author of Senate Bill 17 in 2019
- Author of Senate Bill 235 in 2023
- Amended: CCP 2016.090
CCP 2030.050
- Governor signed September 30, 2023
- Effective January 1, 2024
- Applies to cases filed after January 1, 2024

In addition:

- Retired US Army Colonel
- Former US Attorney for Orange County
- Deputy Drug Czar for President Clinton
- Attorney and small business owner
- Strong advocate for small business owners
 - cut red tape
 - streamline regulations
- CalMatters: ideology is “Left”

LEGISLATIVE HISTORY AND DAILY JOURNAL ARTICLE

- Time and Expense of Discovery
 - Both increasing
 - Impediment to accessing justice
- Discovery Gamesmanship/Abuse of Discovery Process
 - Typically, those with greater resources
 - Results in:
 - clogged courts
 - delayed resolution of cases
 - increased litigation costs
- Purpose of SB 235
 - Expedite discovery process
 - Reduce expense of litigation
 - Facilitate early resolution of cases
 - Provide courts with tools for vigorous enforcement

SENATE BILL 235

- Supported by Civil Justice Association of California
 - Founded 1979
 - Mission: Improve the Civil Justice System
 - Members: Businesses and Associations
- Opposed by California Defense Counsel
 - Based on Federal Rules of Civil Procedure, Rule 26
 - However; state court judges not have same resources as federal court judges
 - Will not work in complex cases
- Opposed by Consumer Attorneys of California
 - Unless several changes
 - Most changes were incorporated
- Passed Senate and Assembly Unanimously

2016.090. (a) The following shall apply in a civil action unless modified by stipulation by all parties to the action:

(1) Within 60 days of a demand by any party to the action, each party that has appeared in the action, including the party that made the demand, shall provide to the other parties an initial disclosure that includes all of the following information:

(A) The names, addresses, telephone numbers, and email addresses of all persons likely to have discoverable information, along with the subjects of that information, that the disclosing party may use to support its claims or defenses, or that is relevant to the subject matter of the action or the order on any motion made in that action, unless the use would be solely for impeachment. The disclosure required by this subparagraph is not required to include persons who are expert trial witnesses or are retained as consultants who may later be designated as expert trial witnesses, as that term is described in Chapter 18 (commencing with Section 2034.010) of Title 4 of Part 4.

(B) A copy, or a description by category and location, of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, or that is relevant to the subject matter of the action or the order on any motion made in that action, unless the use would be solely for impeachment.

(C) Any contractual agreement and any insurance policy under which an insurance company may be liable to satisfy, in whole or in part, a judgment entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.

(D) Any and all contractual agreements and any and all insurance policies under which a person, as defined in Section 175 of the Evidence Code, may be liable to satisfy, in whole or in part, a judgment entered in the action or to indemnify or reimburse for payments made to satisfy the judgment. Only those provisions of an agreement that are material to the terms of the insurance, indemnification, or reimbursement are required to be included in the initial disclosure. Material provisions include, but are not limited to, the identities of parties to the agreement, the nature and limits of the coverage, and any and all documents regarding whether any insurance carrier is disputing the agreement's or policy's coverage of the claim involved in the action.

(2) A party shall make its initial disclosures based on the information then reasonably available to it. A party is not excused from making its initial disclosures because it has not fully investigated the case, because it challenges the sufficiency of another party's disclosures, or because another party has not made its disclosures.

(3) (A) A party that has made, or responded to, a demand for an initial disclosure pursuant to paragraph (1) may propound a supplemental demand on any other party to elicit any later-acquired information bearing on all disclosures previously made by any party.

(B) A party may propound a supplemental demand twice before the initial setting of a trial date, and, subject to the time limits on discovery proceedings and motions provided in Chapter 8 (commencing with Section 2024.010) of Title 4 of Part 4, once after the initial setting of a trial date.

(C) Notwithstanding subparagraphs (A) and (B), on motion, for good cause shown, the court may grant leave to a party to propound one additional supplemental demand.

(4) A party's obligations under this section may be enforced by a court on its own motion or the motion of a party to compel disclosure.

(5) A party's disclosures under this section shall be verified either in a written declaration by the party or the party's authorized representative, or signed by the party's counsel.

(b) Notwithstanding subdivision (a), this section does not apply to the following actions:

(1) An unlawful detainer action, as defined in Section 1161.

(2) An action in the small claims division of a court, as defined in Section 116.210.

(3) An action or proceeding commenced in whole or in part under the Family Code.

(4) An action or proceeding commenced in whole or in part under the Probate Code.

(5) An action in which a party has been granted preference pursuant to Section 36.

(c) This section does not apply to any party in the action who is not represented by counsel.

(d) The changes made to this section by the act adding this subdivision apply only to civil actions filed on or after January 1, 2024.

(e) This section shall remain in effect until January 1, 2027, and as of that date is repealed.

(Amended by Stats. 2023, Ch. 284, Sec. 1. (SB 235) Effective January 1, 2024. Repealed as of January 1, 2027, by its own provisions. See later operative version added by Sec. 2 of Stats. 2023, Ch. 284.)

CHANGES TO CODE OF CIVIL PROCEDURE 2016.090

- Any party can demand a disclosure
 - All parties must disclose
 - What if a party has not yet appeared?
- Disclosures due within 60 days
- Does not apply to expert witnesses
- For documents, ESI and tangible things added
 - Relevant to
 - “The subject matter of the action”
 - “The order on any motion made in the action”
- Documents re: coverage dispute
 - Verified by a party or signed by counsel
 - Supplemental disclosures
 - No longer required to correct incomplete or incorrect information
 - Include in response to a supplemental demand
 - Additional exceptions
 - Including preference per Code of Civil Procedure Section 36
- Sunset Provision - Sunsets January 1, 2027

2023.050. (a) Notwithstanding any other law, and in addition to any other sanctions imposed pursuant to this chapter, a court shall impose a one-thousand-dollar (\$1,000) sanction, payable to the requesting party, upon a party, person, or attorney if, upon reviewing a request for a sanction made pursuant to Section 2023.040, the court finds any of the following:

(1) The party, person, or attorney did not respond in good faith to a request for the production of documents made pursuant to Section 2020.010, 2020.410, 2020.510, or 2025.210, or to an inspection demand made pursuant to Section 2031.010.

(2) The party, person, or attorney produced requested documents within seven days before the court was scheduled to hear a motion to compel production of the records pursuant to Section 2025.450, 2025.480, or 2031.320 that is filed by the requesting party as a result of the other party's, person's, or attorney's failure to respond in good faith.

(3) The party, person, or attorney failed to confer in person, by telephone, letter, or other means of communication in writing, as defined in Section 250 of the Evidence Code, with the party or attorney requesting the documents in a reasonable and good faith attempt to resolve informally any dispute concerning the request.

(b) Notwithstanding paragraph (3) of subdivision (a) of Section 6068 of the Business and Professions Code, the court may, in its discretion, require an attorney who is sanctioned pursuant to subdivision (a) to report the sanction, in writing, to the State Bar within 30 days of the imposition of the sanction.

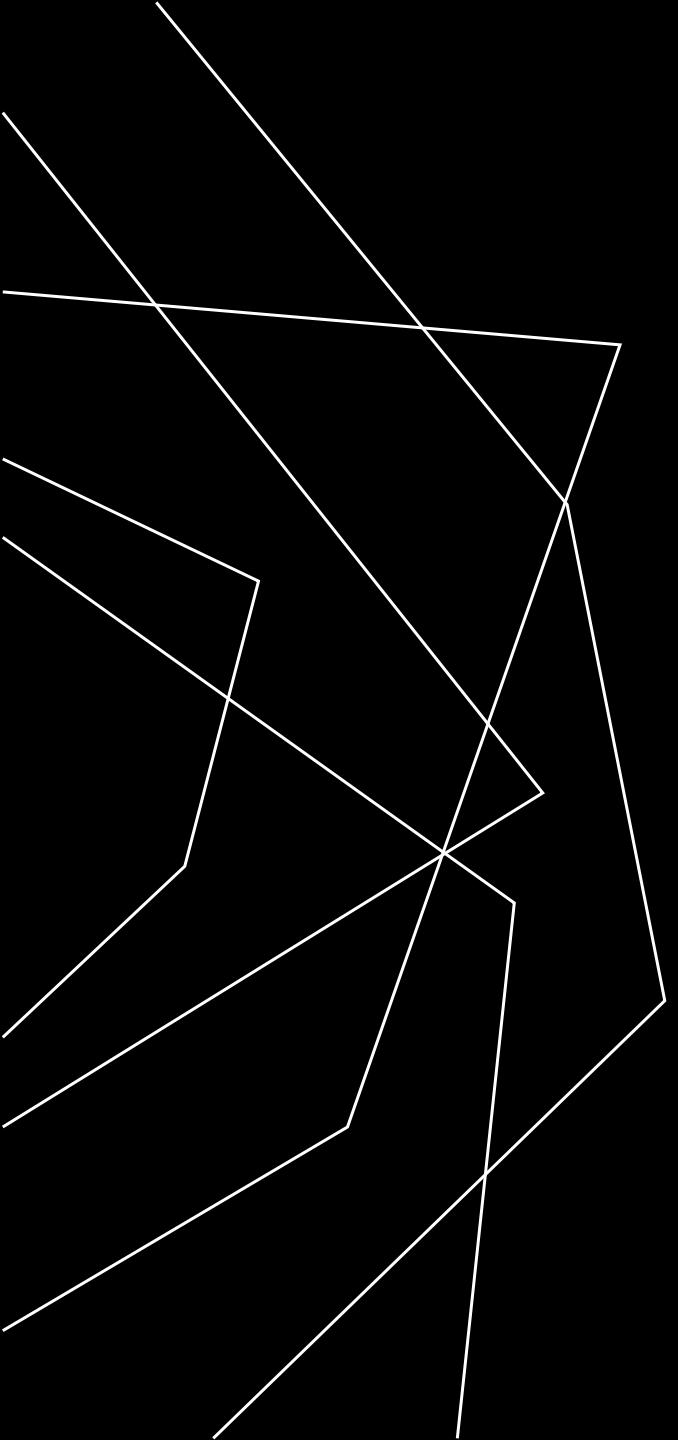
(c) The court may excuse the imposition of the sanction required by subdivision (a) if the court makes written findings that the one subject to the sanction acted with substantial justification or that other circumstances make the imposition of the sanction unjust.

(d) Sanctions pursuant to this section shall be imposed only after notice to the party, person, or attorney against whom the sanction is proposed to be imposed and opportunity for that party, person, or attorney to be heard.

(e) For purposes of this section, there is a rebuttable presumption that a natural person acted in good faith if that person was not represented by an attorney in the action at the time the conduct that is sanctionable under subdivision (a) occurred. This presumption may only be overcome by clear and convincing evidence.

CHANGES TO CODE OF CIVIL PROCEDURE SECTION 2023.05

- Increased sanction to \$1,000
 - Impact of Business and Professions Code Section 6068(o)(3)
 - Impact of Rule of Professional Conduct, Rule 8-3



I AM PREPARING FOR TRIAL BUT...

What if I did not disclose

- A witness
- A document
- A tangible thing

Senate Bill 17 and Senate Bill 235

- Both silent

Nevada Rules of Civil Procedure, Rule 16.1

- Silent
- Case Law: a bar to using the witness, document or tangible thing at trial

Federal Rules of Civil Procedure, Rule 37

- A bar to using the witness, document or tangible thing at trial
- Safe Harbour: failure to disclose was “substantially justified or harmless”
- Will also consider if exclusion would be fatal
- *Dewberry v. BMW of N. Am., LLC* 2024 U.S. LEXIS 121189

1 CHRISTOPHER W. WOOD, ESQ. / SBN: 193955
2 KELSEY J. FISCHER, ESQ. / SBN: 292262
3 **DREYER BABICH BUCCOLA WOOD CAMPORA, LLP**
4 20 Bicentennial Circle
5 Sacramento, CA 95826
6 Telephone: (916) 379-3500
7 Facsimile: (916) 379-3599

8 Attorneys for Plaintiffs

9
10
11 SUPERIOR COURT OF CALIFORNIA
12 COUNTY OF STANISLAUS

13 SANDRA, Case No.: 2017125

14 Plaintiff,

15 v.

**PLAINTIFF'S DISCLOSURE OF EXPERT
WITNESSES
[CCP section 2034.210 et seq.]**

16 JELLY BELLY CANDY COMPANY,

17 Defendants.

18 Pursuant to CCP section 2034.260, Plaintiff hereby disclose the following expert witnesses
19 who may be called to testify at trial in the above-entitled action:

RETAINED EXPERTS

20 **1. ACCIDENT RECONSTRUCTION**
21 1917 Oak Park Boulevard
22 Pleasant Hill, CA 94523

23 **2. VOCATIONAL COUNSELING**
24 4120 Canyon Road
25 Lafayette, CA 94549

26 **3. ECONOMIST**
27 3600 American River Drive, Suite 149
28 Sacramento, CA 95864

MEDICAL PROVIDERS TO SANDRA

1. ALEX MARI, M.D.

Orangeburg Medical Group
1448 Florida Avenue
Modesto, CA 95350

Dr. Mari is one of Plaintiff SANDRA's treating physicians and healthcare providers that Plaintiff may call as an expert witness at trial. Plaintiff anticipates compensating this witness to testify at trial. Plaintiff will retain this witness to testify regarding care and treatment of Plaintiff, SANDRA, provided by this provider, as well as any other treating healthcare providers, together with issues of diagnosis, prognosis, biomechanics of injury and causation. This witness may review medical records from sources other than this provider's own respective practices/offices. This witness will also comment on issues of the reasonableness of medical expenses incurred and what future medical expenses are reasonably certain. This provider will comment on vocational issues and limitations. This witness may be provided with other medical records and/or reports pertaining to Plaintiff, SANDRA, and prior to their trial testimony. This witness has either agreed to testify at trial and/or to testify via videotaped deposition for trial. This witness will be sufficiently familiar with the pending action to submit to a meaningful oral deposition concerning the provider's opinions and all bases therefor. The hourly deposition fees for this witness are not currently known. If Defendants wish to take the deposition of this witness, Plaintiff will provide the provider's deposition testimony rates in advance of the deposition. This deposition must be coordinated with the office of Plaintiff's counsel.

Plaintiffs reserve the right to call as a witness any expert designated by other parties including medical practitioners not listed above, and any other expert disclosed by defense counsel. Plaintiffs may also call as an expert witness any medical practitioner whose name becomes known to Plaintiffs after this date who provided treatment and/or evaluation to Plaintiffs SANDRA.

Plaintiffs further reserve their right as follows:

(1) Pursuant to Code of Civil Procedure section 2034.280, to submit the names of additional expert witnesses for the purposes of expressing an opinion on a subject to be covered by experts designated by any other party in this case;

(2) Pursuant to Code of Civil Procedure section 2034.610(a)(1), to augment and/or supplement this expert witness designation by adding the name and address of any expert witness which any other party in this case has retained;

(3) Pursuant to Code of Civil Procedure section 2034.310, to call at trial any expert witness, regardless of whether such expert has been previously designated by any party, to impeach the testimony of an expert witness offered at trial by any other party.

DATED: September 16, 2019

DREYER BABICH BUCCOLA WOOD CAMPORA, LLP

By: CHRISTOPHER W. WOOD

**EXPERT WITNESS DISCLOSURE AND DECLARATION
PURSUANT TO CCP SECTION 2034.260(c)**

I, CHRISTOPHER W. WOOD, DECLARE:

I am an attorney at law duly licensed to practice before all of the courts of the State of California. I am a partner with the law firm of Dreyer Babich Buccola Wood Campora, LLP, attorneys for Plaintiffs, in the above-entitled matter. I make this Expert Witness Declaration as required by CCP section 2034.260.

1. ACCIDENT RECONSTRUCTION

a. Accident Reconstructionist is a Mechanical Engineer. His areas of expertise include automotive handling, vehicle systems, vibration and acoustics. Accident Reconstructionist specializes in accident reconstruction and failure analysis of mechanical systems. He is proficient in digital data acquisition for measurement and analysis of acceleration, vibration, and acoustics. He also has expertise using computer simulation software for accident reconstruction and analysis. Accident Reconstructionist received his doctorate in Mechanical Engineering at Stanford University, where he designed an advanced automotive safety system to prevent unintended lane departures. He also has experience teaching vehicle dynamics to undergraduate and graduate students at Stanford University. In addition, Accident Reconstructionist has completed a course on traffic accident reconstruction at Northwestern University's Center for Public Safety. A copy of his curriculum vitae (CV) is attached.

b. Accident Reconstructionist will testify as to reconstruction of the subject accident, analysis of the behavior of the respective vehicles and cause of the incident.

c. Accident Reconstructionist has agreed to testify at trial, and will be sufficiently familiar with the pending action to submit to a meaningful oral deposition concerning the specific testimony, including any opinion and its basis, that he is expected to give at trial.

d. His hourly fee for providing deposition testimony is \$330.00.

1. VOCATIONAL COUNSELING

a. Vocational Counselor is an expert in vocational rehabilitation and future life care planning. Vocational Counselor received her Master of Science from California State University

1 – San Francisco in Rehabilitation Counseling. A copy of her curriculum vitae (CV) is attached.

2 b. Vocational Counselor will testify as to all vocational issues and life care
3 planning and medical treatment plans and costs. She will also testify as to the value of services
4 provided to Plaintiff by others in caring for Plaintiff. She will also address the reasonable value of
5 medical services provided to Plaintiff.

6 c. Vocational Counselor has agreed to testify at trial, and will be sufficiently
7 familiar with the pending action to submit to a meaningful oral deposition concerning the specific
8 testimony, including any opinion and its basis, that he is expected to give at trial.

9 d. Her hourly fee for providing deposition testimony is \$550.00.

10 **2. ECONOMIST**

11 a. Economist is a Certified Public Accountant, providing litigation consulting and
12 expert witness services. He has over 45 years of finance, management and accounting experience
13 in a variety of diverse industries – as an expert witness, a Chief Financial Officer in private industry
14 and as a Manager with Price Waterhouse, an international audit and assurance, tax and consulting
15 services firm. Economist has been licensed by the State of California as a Certified Public Accountant
16 (CPA) since 1976. He has earned the following specialty practice credentials from the American
17 Institute of Certified Public Accountants (AICPA): Accredited in Business Valuation (ABV), Certified
18 in Financial Forensics (CFF) and Chartered Global Management Accountant (CGMA).
19 Economist has been a member of a number of state and national committees overseeing economic
20 damages and business valuation practice sections for CPAs. He has been qualified as an expert
21 witness in U.S. District and State Superior Courts throughout California. A copy of his curriculum
22 vitae (CV) is attached.

23 b. Economist will be providing expert testimony on economic damages, finance,
24 accounting, and general business practices issues appropriate for the causes of action in this case.
25 Economist will also be providing rebuttal opinions based on the testimony and evidence produced
26 by opposing witnesses, including expert witnesses.

27 c. He has agreed to testify at trial, and will be sufficiently familiar with the
28 pending action to submit to a meaningful oral deposition concerning his opinions and all bases

therefore.

d. His hourly fee for providing deposition testimony is \$440.00.

I declare under penalty of perjury under the laws of the State of California, that this Declaration was executed on September 16, 2019, and that the foregoing is true and correct of my own personal knowledge, except as to matters stated and based upon information and belief, as to such matters, I am informed and believe that they are true and correct.

CHRISTOPHER W. WOOD

CHRISTOPHER W. WOOD, ESQ. / SBN: 193955
DREYER BABICH BUCCOLA WOOD CAMPORA, LLP
20 Bicentennial Circle
Sacramento, CA 95826
Telephone: (916) 379-3500
Facsimile: (916) 379-3599
DBBWC-ESERVICE@dbbwc.com

Attorneys for Plaintiff

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO

WAYDE, Case No.: 34-2021-00310256

Plaintiff,

**PLAINTIFF'S DISCLOSURE OF EXPERT
WITNESSES
[CCP section 2034.210 et seq.]**

BRANDON and DOES 1 through 10, inclusive,

Defendants.

Pursuant to CCP section 2034.260, Plaintiff hereby discloses the following expert witnesses who may be called to testify at trial in the above-entitled action:

RETAINED EXPERTS

- 1. ECONOMIST**
3600 American River Drive, Suite 149
Sacramento, CA 95864
- 2. MEDICAL PROVIDER**
4200 Douglas Boulevard
Granite Bay, CA 95746
- 3. MEDICAL PROVIDER**
5 Medical Plaza Drive, Suite 120
Roseville, CA 95661
- 4. MEDICAL PROVIDER**
632 W Gibson Road, Suite B
Woodland, CA 95695

5. MEDICAL PROVIDER
120 Amber Grove Drive, Suite 122
Chico, CA 95973

6. MEDICAL PROVIDER
1020 15th Street, Suite 22
Modesto, CA 95354

MEDICAL PROVIDERS

1. MEDICAL PROVIDER
4200 Douglas Boulevard
Granite Bay, CA 95746

8 Medical Provider is one of Plaintiff WAYDE' treating physicians and healthcare providers
9 that Plaintiff may call as an expert witness at trial. Plaintiff anticipates compensating this witness
10 to testify at trial. Plaintiff will retain this witness to testify regarding care and treatment of
11 Plaintiff, WAYDE, provided by this provider, as well as any other treating healthcare providers,
12 together with issues of diagnosis, prognosis, biomechanics of injury and causation. This witness
13 may review medical records from sources other than this provider's own respective
14 practices/offices. This witness will also comment on issues of the reasonableness of medical
15 expenses incurred and what future medical expenses are reasonably certain. This provider will
16 comment on vocational issues and limitations. This witness may be provided with other medical
17 records and/or reports pertaining to Plaintiff, WAYDE, and prior to their trial testimony. This
18 witness has either agreed to testify at trial and/or to testify via videotaped deposition for trial.
19 This witness will be sufficiently familiar with the pending action to submit to a meaningful oral
20 deposition concerning the provider's opinions and all bases therefor. The hourly deposition fees
21 for this witness are not currently known. If Defendants wish to take the deposition of this witness,
22 Plaintiff will provide the provider's deposition testimony rates in advance of the deposition. This
23 deposition must be coordinated with the office of Plaintiff's counsel.

24 Plaintiff reserves the right to call as a witness any expert designated by other parties
25 including medical practitioners not listed above, and any other expert disclosed by defense
26 counsel. Plaintiff may also call as an expert witness any medical practitioner whose name
27 becomes known to Plaintiff after this date who provided treatment and/or evaluation to Plaintiff
28 WAYDE.

1 Plaintiff further reserves his right as follows:

2 (1) Pursuant to Code of Civil Procedure section 2034.280, to submit the names of
3 additional expert witnesses for the purposes of expressing an opinion on a subject to be covered
4 by experts designated by any other party in this case;

5 (2) Pursuant to Code of Civil Procedure section 2034.610(a)(1), to augment and/or
6 supplement this expert witness designation by adding the name and address of any expert witness
7 which any other party in this case has retained;

8 (3) Pursuant to Code of Civil Procedure section 2034.310, to call at trial any expert
9 witness, regardless of whether such expert has been previously designated by any party, to
10 impeach the testimony of an expert witness offered at trial by any other party.

11 DATED: April 22, 2024

DREYER BABICH BUCCOLA WOOD CAMPORA, LLP

12 By: _____
13 CHRISTOPHER W. WOOD

**EXPERT WITNESS DISCLOSURE AND DECLARATION
PURSUANT TO CCP SECTION 2034.260(c)**

I, CHRISTOPHER W. WOOD, DECLARE:

I am an attorney at law duly licensed to practice before all of the courts of the State of California. I am a partner with the law firm of Dreyer Babich Buccola Wood Campora, LLP, attorneys for Plaintiffs, in the above-entitled matter. I make this Expert Witness Declaration as required by CCP section 2034.260.

1. ECONOMIST

a. Economist is a Certified Public Accountant, providing litigation consulting and expert witness services. He has over 35 years of management, finance and accounting experience in a variety of diverse industries, as an expert witness, a Chief Financial Officer in private industry and as a Manager with Price Waterhouse, an international accounting and consulting firm. Economist has been a Certified Public Accountant (CPA) since 1976 and is accredited in Business Valuation (ABV) and Certified in Financial Forensics (CFF) by the American Institute of Certified Public Accountants (AICPA). A copy of his curriculum vitae (CV) is attached as

Exhibit 1.

b. Economist will be providing expert testimony on Plaintiff's past and future economic damages. Economist will also be providing rebuttal opinions based on the testimony and evidence produced by opposing witnesses, including expert witnesses.

c. He has agreed to testify at trial, and will be sufficiently familiar with the pending action to submit to a meaningful oral deposition concerning his opinions and all bases therefore.

d. His hourly fee for providing deposition testimony is \$500.00.

2. MEDICAL PROVIDER

a. Medical Provider is Plaintiff's treating physician and an expert in Physical Medicine and Rehabilitation, Electrodiagnostic Medicine, Pain Medicine and brain injury. Medical Provider received his Bachelor of Science from the University of California – Los Angeles along with his Doctorate in Medicine from the University of Nevada School of Medicine. A copy of his

1 curriculum vitae (CV) is attached as **Exhibit 2**.

2 b. Medical Provider is one of Plaintiff's treating physicians and healthcare
3 providers. Plaintiff may call him as an expert witness at trial. While this physician is considered
4 Plaintiff's treating physician, Plaintiff anticipates compensating this witness to testify at trial.
5 Plaintiff anticipates that Medical Provider will be asked to provide testimony regarding his care and
6 treatment of Plaintiff as well as his opinions related to his treatment and review of medical records
7 and reports. Plaintiff will ask this witness to testify regarding care and treatment of Plaintiff,
8 provided by this provider, as well as any other treating healthcare providers, together with issues
9 of diagnosis, prognosis, biomechanics of injury and causation as well as vocational issues and
10 limitations. This witness may review medical records from sources other than this provider's own
11 respective practices / offices. This witness will also comment on issues of the reasonableness and
12 value of medical expenses incurred, and what future medical expenses are reasonably certain and
13 any medical treatment as well as associated costs related thereto. This witness may be provided
14 with other medical records and/or reports pertaining to Plaintiff, and prior to their trial testimony,
15 including the report and/or deposition of Defendant's experts.

16 c. Medical Provider has agreed to testify at trial, and will be sufficiently familiar
17 with the pending action to submit to a meaningful oral deposition concerning the specific
18 testimony, including any opinion and its basis, that he is expected to give at trial.

19 d. His hourly fee for providing deposition testimony is \$1,875.00.

20 **3. MEDICAL PROVIDER**

21 a. Medical Provider is a Board Certified Orthopedic spine surgeon and has been
22 practicing medicine since 1994. He is a spine surgeon and specializes in performing spine surgery
23 and treating patients with pain associated with spinal injuries and illnesses. Medical Provider
24 received his medical degree from the University of Nevada School of Medicine in 2004. He
25 completed his internship and residency at Ohio State University in the Department of Orthopedic
26 Surgery in 2009. Medical Provider then completed his orthopedic spine fellowship at Stanford
27 University School of Medical School in 2010. A copy of his curriculum vitae (CV) is attached as
28 **Exhibit 3**.

b. Medical Provider will testify regarding his treatment of Plaintiff. While this provider is considered Plaintiff's treating provider, Plaintiff anticipates compensating this witness to testify at trial. Plaintiff anticipates that Medical Provider will be asked to provide testimony regarding his care and treatment of Plaintiff as well as his opinions related to his treatment and review of medical records and reports. Plaintiff may ask this witness to testify regarding care and treatment of Plaintiff, provided by this provider, as well as any other treating healthcare providers, together with issues of diagnosis, prognosis, biomechanics of injury and causation. This witness may review medical records from sources other than this provider's own respective practices / offices. This witness may also comment on issues of the reasonableness and value of medical expenses incurred, and what future medical expenses are reasonably certain and any medical treatment as well as associated costs related thereto. This witness may be provided with other medical records and/or reports pertaining to Plaintiff, and prior to their trial testimony, including the report and/or deposition of Defendant's experts.

c. Medical Provider has agreed to testify at trial, and will be sufficiently familiar with the pending action to submit to a meaningful oral deposition concerning the specific testimony, including any opinion and its basis, that she is expected to give at trial.

d. His hourly fee for providing deposition testimony is \$2,850.00.

4. MEDICAL PROVIDER

a. Medical Provider is an orthopedic spine surgeon. He is a spine surgeon and specializes in performing spine surgery and treating patients with pain associated with spinal injuries and illnesses. Medical Provider received his medical degree from Harvard Medical School in 2006. He completed his internship at New York-Presbyterian Hospital in 2008. Between 2012 and 2013, Medical Provider completed his Residency at Hospital for Special Surgery/Cornell University and his Fellowship at Rothman Institute/Thomas Jefferson University. A copy of his curriculum vitae (CV) is attached as **Exhibit 4**.

b. Medical Provider will testify regarding his treatment of Plaintiff. While this provider is considered Plaintiff's treating provider, Plaintiff anticipates compensating this witness to testify at trial. Plaintiff anticipates that Medical Provider will be asked to provide testimony

1 regarding his care and treatment of Plaintiff as well as his opinions related to his treatment and
2 review of medical records and reports. Plaintiff may ask this witness to testify regarding care and
3 treatment of Plaintiff, provided by this provider, as well as any other treating healthcare providers,
4 together with issues of diagnosis, prognosis, biomechanics of injury and causation. This witness
5 may review medical records from sources other than this provider's own respective practices /
6 offices. This witness may also comment on issues of the reasonableness and value of medical
7 expenses incurred, and what future medical expenses are reasonably certain and any medical
8 treatment as well as associated costs related thereto. This witness may be provided with other
9 medical records and/or reports pertaining to Plaintiff, and prior to their trial testimony, including
10 the report and/or deposition of Defendant's experts.

11 c. Medical Provider has agreed to testify at trial, and will be sufficiently familiar
12 with the pending action to submit to a meaningful oral deposition concerning the specific
13 testimony, including any opinion and its basis, that he is expected to give at trial.

14 d. His hourly fee for providing deposition testimony is \$1,500.00.

15 **5. MEDICAL PROVIDERS**

16 a. Medical Provider is a Licensed Speech-Language Pathologist since
17 July 2016. Medical Provider received her Bachelor of Arts degree in Communication Sciences and
18 Disorders from California State University, Chico in May 2014 as well as her Master of Arts degree
19 in Communication Sciences and Disorders from California State University, Chico in May 2016.
20 A copy of her curriculum vitae (CV) will follow under separate cover.

21 b. Medical Provider will testify regarding her treatment of Plaintiff. While this
22 provider is considered Plaintiff's treating provider, Plaintiff anticipates compensating this witness
23 to testify at trial. Plaintiff anticipates that Medical Provider will be asked to provide testimony
24 regarding her care and treatment of Plaintiff as well as her opinions related to her treatment and
25 review of medical records and reports. Plaintiff may ask this witness to testify regarding care and
26 treatment of Plaintiff, provided by this provider, as well as any other treating healthcare providers,
27 together with issues of diagnosis, prognosis, biomechanics of injury and causation. This witness
28 may review medical records from sources other than this provider's own respective practices /

1 offices. This witness may also comment on issues of the reasonableness and value of medical
2 expenses incurred, and what future medical expenses are reasonably certain and any medical
3 treatment as well as associated costs related thereto. This witness may be provided with other
4 medical records and/or reports pertaining to Plaintiff, and prior to their trial testimony, including
5 the report and/or deposition of Defendant's experts.

6 c. Medical Provider has agreed to testify at trial, and will be sufficiently familiar
7 with the pending action to submit to a meaningful oral deposition concerning the specific
8 testimony, including any opinion and its basis, that she is expected to give at trial.

9 d. Her hourly fee for providing deposition testimony is \$450.00.

10 **6. MEDICAL PROVIDER**

11 a. Medical Provider is one of Plaintiff's treating physicians and a
12 post-doctoral fellow clinical neuropsychologist. He specializes in diagnostic evaluation, treatment
13 planning and consultation for patients who have suffered traumatic brain and neuropsychological
14 injuries. Medical Provider obtained his Masters and Ph.D. degrees in clinical psychology from the
15 California School of Professional Psychology in Berkeley in 1978 and 1980, respectively. He
16 completed his pre-doctoral internship in neuropsychology at Letterman Army Medical Center in
17 San Francisco in 1980 and his post-doctoral internship in neuropsychology at Walter Reed Army
18 Medical Center in Washington, D.C. in 1981. Medical Provider then completed a post-doctoral
19 fellowship in clinical neuropsychology at Madigan Army Medical Center in Tacoma, Washington in
20 1984. A copy of his curriculum vitae (CV) is attached as **Exhibit 5**.

21 b. Medical Provider will testify regarding his treatment of Plaintiff. While this
22 provider is considered Plaintiff's treating provider, Plaintiff anticipates compensating this witness
23 to testify at trial. Plaintiff anticipates that Medical Provider will be asked to provide testimony
24 regarding his care and treatment of Plaintiff as well as his opinions related to his treatment and
25 review of medical records and reports. Plaintiff may ask this witness to testify regarding care and
26 treatment of Plaintiff, provided by this provider, as well as any other treating healthcare providers,
27 together with issues of diagnosis, prognosis, biomechanics of injury and causation. This witness
28 may review medical records from sources other than this provider's own respective practices /

1 offices. This witness may also comment on issues of the reasonableness and value of medical
2 expenses incurred, and what future medical expenses are reasonably certain and any medical
3 treatment as well as associated costs related thereto. This witness may be provided with other
4 medical records and/or reports pertaining to Plaintiff, and prior to their trial testimony, including
5 the report and/or deposition of Defendant's experts.

6 c. Medical Provider has agreed to testify at trial, and will be sufficiently familiar
7 with the pending action to submit to a meaningful oral deposition concerning the specific
8 testimony, including any opinion and its basis, that he is expected to give at trial.

9 d. His hourly fee for providing deposition testimony is \$850.00.

10 I declare under penalty of perjury under the laws of the State of California, that this
11 Declaration was executed on April 22, 2024, and that the foregoing is true and correct of my own
12 personal knowledge, except as to matters stated and based upon information and belief, as to
13 such matters, I am informed and believe that they are true and correct.

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CHRISTOPHER W. WOOD
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FOR QUESTIONS ABOUT THIS PROGRAM E-MAIL:

JENNY BLEVINS

Executive Director
Sacramento Valley Chapter of ABOTA

Jennifer@caladmanagement.com

FOR MORE INFORMATION ABOUT ABOTA:

www.abota.org



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