

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Brittany R. Tovar and Reid Olson,

Case Number: 16-cv-00100 (DWF/LIB)

Plaintiffs,

v.

Essentia Health; Innovis Health, LLC  
d/b/a Essentia Health West;  
HealthPartners, Inc.; and  
HealthPartners Administrators, Inc.,

**STIPULATION TO EXTEND  
EXPERT WITNESS DEADLINE**

Defendants.

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1. In accordance with the Pretrial Scheduling Order (Court Document 105), “the period during which the parties must conduct all discovery (whether fact or expert) shall terminate on April 15, 2019.” The Scheduling Order further states that defendants’ “identification of experts shall be made on or before February 1, 2019, with expert reports provided by March 8, 2019.”

2. On January 18, 2019, defendants served a Notice of Independent Medical Examination (“IME”) of Reid Olson, setting the IME for January 31, 2019, with Dr. Michael G. Farnsworth. At Dr. Farnsworth’s request, the IME was arranged for the Brainerd area, approximately a three-hour drive from Olson’s home. Defendants provided prior notice to plaintiff’s counsel regarding this date and location. On January 28, 2019, prior to the disclosure deadline, defendants served their Expert Witness Disclosure, formally identifying Dr. Farnsworth as an expert witness on behalf of defendants.

3. After 3:00 p.m. on January 30, 2019, plaintiff's counsel received a call from Brittany Tovar, Reid Olson's mother, indicating that she was unable to drive Olson to his IME appointment as scheduled. Olson does not drive, and though he indicated that he could find a way to get to Fargo, North Dakota, for the IME, he was unable to make other travel arrangements for the three-hour drive to Brainerd at that time. Dr. Farnsworth could not get to Fargo on such short notice and his business and travel schedule does not allow for the IME to be rescheduled soon enough to comply with the current deadlines. Plaintiff shall be responsible for paying Dr. Farnsworth's \$2,000 cancellation fee.

4. The parties have met and conferred regarding Olson's inability to attend the IME as well as other matters, and request that the Court adjust the deadline for defendants to complete expert reports to May 31, 2019. The parties further request that the deadline for plaintiff to take Dr. Farnsworth's deposition be extended until June 15, 2019. The parties do not seek to amend any other dates or provisions in the Pretrial Scheduling Order.

5. Plaintiff intends to move for summary judgment on liability and agrees to not rely on any expert report as part of that motion. Plaintiff also agrees not to challenge Dr. Farnsworth under *Daubert*, but reserves the right to move to exclude portions of his opinion/report through a motion in *limine*.

6. Plaintiff agrees to provide a signed and notarized verification for plaintiff Olson's answers to interrogatories by February 15, 2019, and to sign the previously provided AbbVie Inc. authorization by February 7, 2019.

7. For the reasons stated above, the parties respectfully request that the Court amend the scheduling order to extend the deadline for defendants' expert reports as set forth above, and order the other relief provided herein. A proposed order is submitted contemporaneously herewith.

**STIPULATED TO:**

Dated: February 5, 2019

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Dated: February 5, 2019

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Dated: February 5, 2019

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