IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

DIANE J. SCHROER, Plaintiff, v. JAMES H. BILLINGTON, Librarian of Congress, Defendant.	No. 05-cv-1090 (JR)

PLAINTIFF'S RESPONSE TO DEFENDANT'S PRETRIAL STATEMENT

Pursuant to Local Civil Rule 16.5, Plaintiff Diane J. Schroer, by her undersigned counsel, submits the following response to Defendant's Pretrial Statement.

Response to Defendant's Exhibit List

Plaintiff lodges the following objections to Defendant's list of proposed exhibits:

No.	Description	Objection
1	Memorandum Regarding the Selection of Audrey Cronin	- Not previously produced in response to relevant Interrogatories from Plaintiff - Relevance See Plaintiff's Motion in Limine to Limit Testimony of Audrey Cronin and to Exclude Related Documents (Rec. Doc. 63)
2	Sixth Month Qualifying Period for Audrey Cronin dated October 3, 2003	- Same as above
3	Performance Rating and Within-Grade Certification for Audrey Cronin dated July 14, 2004	- Same as above

No.	Description	Objection
4	Letter dated July 12, 2004 from Audrey Cronin to Charlotte Preece	- Same as above
17	Expert Report of Dr. Chester Schmidt dated November 20, 2006	- Hearsay*

Response to Defendant's Witness List

Plaintiff objects to Carmella Braxton and Audrey Cronin. On August 5, 2008, Plaintiff filed motions in limine to exclude testimony from these witnesses and incorporates by reference the arguments presented in those motions.

Response to Defendant's Blanket Objection to Plaintiff's Deposition Designations

The deposition testimony designated by Plaintiff is not hearsay, and therefore Plaintiff need not establish that the witnesses are unavailable in order to introduce these statements as evidence. Fed. R. Evid. 801(d)(2); see also Fed. R. Civ. P. 32. Plaintiff would request that any issues regarding the admissibility of the deposition excerpts designated by Plaintiff be resolved by the Court at the Pretrial Conference, so that Plaintiff can make appropriate arrangements, as necessary, to ensure the presence of any witnesses from whom Plaintiff will need to elicit live testimony at trial.

* After Plaintiff informed Defendant of her objection, Defendant indicated that it would not be offering Dr. Schmidt's report in evidence. Accordingly, because the issue appears to be moot, Plaintiff does not intend to file a motion in limine to exclude Dr. Schmidt's report.

Respectfully submitted,

/s/ Sharon M. McGowan

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