

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Colombo v. Palo Alto Unified School District, et al.

Colombo · No. 24-cv-0909 NC · Decided December 18, 2025

SUMMARY

The United States District Court for the Northern District of California ruled on Defendants’ motion to exclude five expert witnesses in Peter Colombo’s civil rights and retaliation action against Palo Alto Unified School District officials. The court excluded the testimony of Mark Alifano and Dr. Jessica Chaudhary, while allowing the testimony of Saundra Schuster, Ken Whittemore, and Dr. Barry Ben-Zion under Federal Rule of Evidence 702.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Nathanael M. Cousins
JURISDICTION	United States District Court for the Northern District of California
DECIDED	December 18, 2025
DOCKET	24-cv-0909 NC
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved under Federal Rules of Evidence 401, 402, 403, and 702 to exclude expert testimony from five witnesses disclosed by Colombo in an action alleging procedural due process violations and retaliation. The court granted the motion as to two experts and denied it as to three.
STANDARD OF REVIEW	The proponent must establish the admissibility requirements of Federal Rule of Evidence 702 by a preponderance of the evidence. The district court acts as the gatekeeper and has broad discretion and flexibility in evaluating expert reliability, including the reliability of the expert’s methodology and its application to the facts.
PRECEDENTIAL VALUE	Unknown
PARTIES	Defendants Palo Alto Unified School District, Don Austin, Lisa Hickey, Trent Bahadursingh, and others v. Peter Colombo

TOPICS

expert testimony

daubert standard

relevance

evidence

civil procedure

PRACTICE AREAS

evidence

civil procedure

civil rights

employment law

QUESTIONS PRESENTED

1. Whether the proposed testimony of Saundra Schuster, Ken Whittemore, Mark Alifano, Dr. Jessica Chaudhary, and Dr. Barry Ben-Zion satisfied Federal Rule of Evidence 702.
2. Whether any otherwise relevant expert testimony should be excluded under Federal Rules of Evidence 401, 402, or 403.
3. Whether the economic expert's assumption that Colombo would be constructively terminated undermined the reliability or admissibility of his damages testimony.

HOLDINGS

1. A proponent of expert testimony must establish by a preponderance of the evidence that the testimony satisfies Rule 702; there is no presumption that expert testimony is admissible. The court must assess whether the testimony is relevant, helpful, based on sufficient facts or data, grounded in reliable principles and methods, and reliably applied to the facts.
2. Schuster's testimony concerning the District's Title IX policies and response was admissible under Rule 702.
3. Whittemore's testimony concerning educational human-resources practices and alleged retaliation was admissible under Rule 702.
4. Alifano's testimony concerning the investigative handling of the allegations was excluded under Rule 702.
5. Dr. Chaudhary's testimony was excluded under Rule 702.
6. Ben-Zion's economic-loss testimony was admissible under Rule 702, and his assumption that Colombo would be constructively terminated did not require exclusion.

KEY QUOTATIONS

"A proponent of expert testimony must always establish the admissibility requirements of Rule 702 by a preponderance of the evidence." (at 2)

"The duty falls squarely upon the district court to 'act as a gatekeeper to exclude'" (at 3)

"Shaky but admissible evidence is to be attacked by cross examination, contrary evidence, and attention to the burden of proof, not exclusion." (at 3)

"Pursuant to Federal Rules of Evidence 702, 401, and 403, the Court GRANTS IN PART Defendants' motion to exclude and excludes the expert testimony of witnesses Alifano and Dr. Chaudhary, and DENIES IN PART as to witnesses Schuster, Whittemore, and Dr. Ben-Zion, who will be allowed to testify within the confines of their disclosed opinions." (at 7)

FACTUAL BACKGROUND

Colombo alleged that Palo Alto Unified School District officials violated his due process rights and that the District retaliated against him after a January 2022 false allegation that he raped a middle-school student. He disclosed five experts concerning Title IX policies and responses, educational human-resources practices, investigative handling, emotional distress, and economic loss. The court evaluated whether each expert's testimony was relevant, helpful, sufficiently supported, methodologically reliable, and reliably applied to the facts.

PROCEDURAL HISTORY

Colombo filed a Third Amended Complaint asserting a procedural due process claim under 42 U.S.C. § 1983 and retaliation claims under Title VII, the California Fair Employment and Housing Act, and Title IX. Claims against Amanda Bark were dismissed by stipulation, and the court partially granted defendants' motion to dismiss claims against the remaining defendants. Defendants and Colombo later filed competing summary judgment motions, which were to be addressed separately. The court then ruled on defendants' motion to exclude five of Colombo's experts before the scheduled jury trial.

DISPOSITION

other

CASES CITED

- *Engilis v. Monsanto Co.*, 151 F.4th 1040, 1050 (9th Cir. 2025)
- *Estate of Barabin v. AstenJohnson, Inc.*, 740 F.3d 457, 463 (9th Cir. 2014)
- *United States v. Bacon*, 979 F.3d 766 (9th Cir. 2020)
- *Ellis v. Costco Wholesale Corp.*, 657 F.3d 970, 982 (9th Cir. 2011)
- *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579, 593-597 (1993)
- *Murray v. S. Route Maritime SA*, 870 F.3d 915, 922 (9th Cir. 2017)
- *Primiano v. Cook*, 598 F.3d 558, 564 (9th Cir. 2010)