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8 NATIONAL RAILROAD
PASSENGER CORPORATION
9

10 UNITED STATES DISTRICT COURT
11 EASTERN DISTRICT OF CALIFORNIA – FRESNO DIVISION

12 VIRGINIA DIANE SHELL,
13 Plaintiff,
14 v.
15 AMTRAK, a corporation; NATIONAL
RAILROAD PASSENGER
16 CORPORATION, a corporation; and
ROES 1 to 100, inclusive,
17 Defendants.
18

Case No. 1:08-cv-00897 SMS

**STIPULATION TO INDEPENDENT
MEDICAL EXAMINATION PURSUANT
TO RULE 35 OF THE FEDERAL RULES
OF CIVIL PROCEDURE;**

ORDER

19 IT IS HEREBY STIPULATED by and between Plaintiff VIRGINIA DIANE SHELL
20 (“Plaintiff”) and Defendant NATIONAL RAILROAD PASSENGER CORPORATION.
21 (“Defendant”), through their designated counsel, that Plaintiff will undergo a physical
22 examination pursuant to Rule 35 of the Federal Rules of Civil Procedure. Said examination shall
23 take place on **May 26, 2009 at 9:00 a.m.** and will be conducted by Donald R. Huene, M.D. at the
24 offices of Donald R. Huene, M.D., Inc., 201 N. Valeria, Fresno, California 93701, Telephone:
25 (559) 233-2541.

26 This examination will be conducted for the purpose of determining the nature and extent
27 of Plaintiff’s physical injuries and the relationship thereof to the accident which is the subject of
28 this litigation, and will consist of all necessary and customary activities required to make such a

1 determination, including but not limited to medical history, radiographic studies, history of
2 accident in question, and physical examination and evaluation. Photographs of Plaintiff's injuries
3 may be taken for use at trial.

4 Plaintiff shall be responsible for the doctor's customary cancellation fee of \$500 should
5 she fail to appear for the scheduled examination, or should she fail to provide Dr. Huene with
6 notice that she will not appear for the same according to Dr. Huene's cancellation policy as
7 follows.

8	Cancel Before 14 days of IME	No Fee Due;
9	Cancel Between 7-14 days before IME	50% Fee Due; and
10	Cancel Less than 7 days before IME	Full Fee Due (\$500).

11 IT IS FURTHER STIPULATED that Defendant will provide to Plaintiff a copy of a
12 detailed written report setting out the history, examinations, findings, including the results of all
13 tests made, diagnoses, prognoses, and conclusions of the examiner, Donald R. Huene, M.D.,
14 within 15 days upon defendant's receipt of same.

15 Dated: April 9, 2009

MARDEROSIAN, RUNYON, CERCONE,
LAHMAN & ARMO

17 By: /s/ Michael G. Marderosian
18 MICHAEL G. MARDEROSIAN
Attorneys for Plaintiff
19 VIRGINIA DIANE SHELL
LOMBARDI, LOPER & CONANT, LLP

20 Dated: April 9, 2009

21 By: /s/ Liza Siu Mendoza
22 LIZA SIU MENDOZA
Attorneys for Defendant
23 NATIONAL RAILROAD PASSENGER
CORPORATION

24 IT IS SO ORDERED:

25
26 DATED: April 10, 2009

27 /s/ Sandra M. Snyder
HONORABLE SANDRA M. SNYDER
28 UNITED STATES MAGISTRATE JUDGE