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(SPACE BELOW FOR FILING STAMP ONLY)

5 Attorneys for Defendant
6 THE RAYMOND CORPORATION

7
8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT

10 URBANO SERQUINA

11 Plaintiffs,

12 v.

13 THE RAYMOND CORPORATION, and
DOES 1 through 20,

14 Defendants.

Case No. 1:08-CV-01741-AWI-GSA

**STIPULATION REGARDING PHYSICAL
EXAMINATION OF PLAINTIFF AND
ORDER THEREON**

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16 Defendant THE RAYMOND CORPORATION has requested that Plaintiff
17 URBANO SERQUINA present for a physical examination by orthopedic surgeon, Ronald R.
18 Castonguay, M.D., on Monday, October 26, 2009 at 1:00 P.M. at Dr. Castonguay's office, located
19 at 7255 North Cedar Avenue, Suite 103 in Fresno, California 93720. The examination will be for
20 the purposes of determining the nature and extent of Plaintiff's injuries sustained in his
21 September 19, 2006 accident at Leprino Foods, Plaintiff's present condition, his prognosis and
22 need for future care, if any. Good cause exists for a physical examination of Plaintiff because
23 Plaintiff has brought this present action against Defendant in which Plaintiff alleges that he
24 sustained certain physical injuries.

25 ACCORDINGLY, the Parties hereto, by and through their respective attorneys of
26 record, STIPULATE AND AGREE to the following:

27 1. Plaintiff URBANO SERQUINA shall present for a physical examination
28 by orthopedic surgeon, Ronald R. Castonguay, M.D., on Monday, October 26, 2009 at 1:00 P.M.

1 at Dr. Castonguay's office, located at 7255 North Cedar Avenue, Suite 103 in Fresno, California.

2 2. Defendant THE RAYMOND CORPORATION shall comply with the
3 requirements of Federal Rule of Civil Procedure 35(b) and will promptly deliver a copy of Dr.
4 Castonguay's report of his examination to Plaintiff's counsel upon its receipt.

5 3. Defendant THE RAYMOND CORPORATION shall bear all the costs
6 associated with Dr. Castonguay's examination of Plaintiff.

7 4. The diagnostic tests and procedures to be utilized at the examination will
8 not include any diagnostic tests or procedures that are painful, protracted, or intrusive.

9 Dated: September 23, 2009

MCCORMICK, BARSTOW, SHEPPARD
WAYTE & CARRUTH LLP

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By: /s/ Michael F. Ball

Michael F. Ball
Adam D. Wahlquist
Attorneys for Defendant
THE RAYMOND CORPORATION

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15 Dated: September 23, 2009

LAW OFFICES OF EDWARD B.
CHATOIAN

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By: /s/ Edward B. Chatoian

Edward B. Chatoian (as authorized on
09/23/09)
Attorneys for Plaintiff
URBANO SERQUINA

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ORDER

GOOD CAUSE HAVING BEEN SHOWN AND THE PARTIES HAVING STIPULATED TO THE SAME, the Court adopts the STIPULATION. All Parties in this action shall abide by the terms of this Stipulation.

IT IS SO ORDERED:

Dated: September 24, 2009

/s/ Gary S. Austin
The Honorable Gary S. Austin
United States Magistrate Judge

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