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Attorneys for Defendants  
COUNTY OF FRESNO and TRACY SINK

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA – FRESNO DIVISION**

RICHARD P. BERMAN,

Plaintiff,

v.

DEPUTY T. SINK; SGT. GEORGE  
BERTSCH; LT. JOHN REYNOLDS;  
SHERIFF MARGARET MIMS; THE  
COUNTY OF FRESNO, THE JUDICIAL  
COUNCIL OF CALIFORNIA; DOES 1-  
10,

Defendants.

Case No. 1:13-cv-00597-LJO-SAB

**STIPULATION FOR RULE 35  
PHYSICAL EXAMINATION; ORDER**

Defendants COUNTY OF FRESNO and TRACY SINK (hereinafter  
“Defendants”), and plaintiff RICHARD BERMAN (hereinafter “Plaintiff”) hereby submit  
the following Stipulation for an order requiring Plaintiff to submit to a physical  
examination, pursuant to Rule 35 of the Federal Rules of Civil Procedure (hereinafter  
“Rule 35”).

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WHEREAS, under subdivision (a)(2)(A) of Rule 35, it states that an order “may be made only on motion for good cause and on notice to all parties and the person to be examined.” Based on this subdivision, on December 30, 2014, Defendants filed a Rule

35 motion. Doc. Nos. 35-37. As Plaintiff previously agreed to submit to a Rule 35 examination, he did not oppose this motion. However, on January 22, 2015, the Court denied the motion without prejudice because there was no showing that the parties attempted to meet and confer about the matter, as required by the Local Rules. Doc. No. 39.

**STIPULATION**

Now, therefore, IT IS HEREBY STIPULATED AND AGREED, by and between the parties, through their respective attorneys of record that good cause exists to have Plaintiff submit for a Rule 35 examination, and that Plaintiff will submit to such an examination at a day and time mutually agreeable between the parties, and on the conditions set out in the recitals.

**IT IS SO STIPULATED.**

Dated: January 27, 2015

DANIEL C. CEDERBORG  
County Counsel

By: /s/ Michael Linden  
Michael R. Linden, Deputy  
Attorneys for Defendants

Dated: January 27, 2015

LAW OFFICE OF JACOB WEISBERG

By: /s/ Jacob Weisberg  
Jacob Weisberg  
Attorney for Plaintiff

IT IS SO ORDERED.

Dated: January 27, 2015

  
UNITED STATES MAGISTRATE JUDGE