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FILED

NOV 25 2015

CLERK, U.S. DISTRICT COURT
 EASTERN DISTRICT OF CALIFORNIA
 BY 
 DEPUTY CLERK

7 Attorneys for Defendant
 FOSTER POULTRY FARMS

8 **UNITED STATES DISTRICT COURT**
 9 **EASTERN DISTRICT OF CALIFORNIA—FRESNO DIVISION**

10 JOANN LINAN, an individual,
 11 Plaintiff,
 12 v.
 13 FOSTER POULTRY FARMS, a California
 14 corporation, and DOES 1 through 100, inclusive,
 15 Defendants.

Case No.: 1:14-cv-01625-AWI-SMS
**STIPULATION AND ORDER
 REGARDING PLAINTIFF JOANN
 LINAN'S ALLEGED EMOTIONAL
 DISTRESS; ~~PROPOSED~~ ORDER**

Complaint Filed: July 28, 2014
 Trial Date: None

18 Joann Linan ("Plaintiff") and Foster Poultry Farms ("Defendant"), by and through their
 19 respective counsel, hereby agree and stipulate as follows:

- 20 1. Plaintiff represents and agrees that she is seeking only garden-variety (i.e., non-severe)
 21 emotional distress and will proffer no evidence or testimony of any kind relating to severe emotional
 22 distress or related bodily injury.
- 23 2. Plaintiff represents and agrees that she will proffer no evidence or testimony from any
 24 healthcare provider and/or from any expert relating to any emotional distress or related bodily injury in
 25 support of any motion and/or at trial.
- 26 3. Nothing herein shall prohibit Plaintiff from seeking to recover damages for any garden-
 27 variety and non-severe emotional distress typically associated with alleged discrimination, retaliation
 28 and wrongful termination, or from offering her own testimony at trial concerning such damages.

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4. In reliance upon Plaintiff's representations and agreements herein, Defendant agrees that it shall not request, nor move to compel, an independent mental examination of Plaintiff, absent a showing of exceptional circumstances pursuant to applicable law.

DATED: November 17, 2015

Respectfully submitted,
MAYALL HURLEY P.C.

By: /s/ Robert J. Wasserman

Robert J. Wasserman
Salwa Haddad
Attorneys for Plaintiff,
JOANN LINAN

SEYFARTH SHAW LLP

DATED: November 2, 2015

By: /s/ Jennifer M. Holly

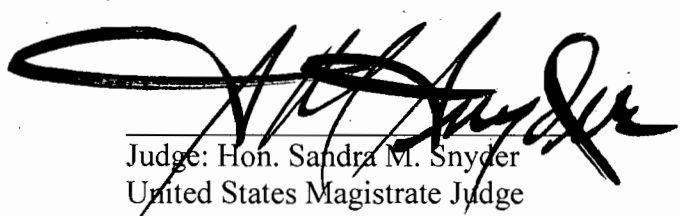
Mark P. Grajski
Lindsay Fitch
Jennifer M. Holly
Attorneys for Defendant,
FOSTER POULTRY FARMS

ORDER

The Court, having considered the stipulation of the parties, hereby approves the stipulation in its entirety.

IT IS SO ORDERED.

DATED: Nov. 25, 2015


Judge: Hon. Sandra M. Snyder
United States Magistrate Judge