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Attorneys for: Defendants CITY OF BAKERSFIELD and RYAN MILLER

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JESSE TREVINO,)	Case No. 1:14-CV-01873-JLT
)	
Plaintiff,)	STIPULATION AND ORDER FOR
)	PHYSICAL EXAMINATION OF
vs.)	PLAINTIFF JESSE TREVINO;
)	[PROPOSED] ORDER THEREON
BAKERSFIELD POLICE DEPARTMENT,)	
CITY OF BAKERSFIELD, RYAN MILLER,)	(Doc. 28)
and DOES 1 to 100, inclusive,)	
)	
Defendants.)	

STIPULATION

IT IS HEREBY STIPULATED by and between Plaintiff Jesse Trevino and defendants City of Bakersfield and Ryan Miller (collectively “Defendants”), through their respective attorneys, as follows:

1. The physical condition of the Plaintiff is “in controversy” within the meaning of Federal Rule of Civil Procedure 35 (“Rule 35”), which sets forth the procedures for the examination of persons whose physical conditions are in controversy.

2. Donald R. Huene, M.D., has been retained by Defendants to conduct an examination of the Plaintiff pursuant to Rule 35. A copy of Dr. Huene's curriculum vitae is attached hereto as Exhibit A.

3. Plaintiff Jesse Trevino will submit to a physical examination to be conducted by Donald R. Huene, M.D., on October 15, 2015, at 9 a.m. at 201 N. Valeria Street, Fresno, California.

4. In addition to questioning by Dr. Huene relating to Plaintiff's complaints, this examination shall include a comprehensive physical examination of the wrists. This examination is relevant to Plaintiff's claim of pain, disability and disfigurement.

5. Since the Plaintiff is hearing impaired, the examination will also be attended by a non-hearing impaired observer.

6. The examination will be recorded via audiotape. A copy of the audiotape will be provided to defense counsel along with a copy of Dr. Huene's report.

7. Good cause exists for the Court to enter this Stipulation as an Order of the Court.

8. Nothing herein shall preclude the parties from entering into other stipulations or agreements relating to the Rule 35 examinations of Plaintiff.

Dated: September 22, 2015.

MARDEROSIAN, CERCONE & COHEN

/s/ Michael G. Marderosian

By: _____

Michael G. Marderosian,
Attorney for Defendants above-named.

Dated: September 22, 2015.

RODRIGUEZ & ASSOCIATES

/s/ John Tello

By: _____

John Tello,
Attorney for Plaintiff

ORDER

The above stipulation is hereby accepted and approved. The terms of the stipulation set forth above are hereby adopted as an Order of this Court.

IT IS SO ORDERED.

Dated: September 23, 2015

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE