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16 DEGEARE

17 UNITED STATES DISTRICT COURT  
18 EASTERN DISTRICT OF CALIFORNIA

19 GILBERTO FAJARDO, ) Case No. 1:16-CV-00699-JLT  
20 )  
21 Plaintiff, ) **STIPULATION AND ORDER**  
22 ) **FOR PHYSICAL EXAMINATION**  
23 vs. ) **OF PLAINTIFF GILBERTO FAJARDO**  
24 ) **(Doc. 41)**  
25 CITY OF BAKERSFIELD; JUAN )  
26 OROZCO; LINDY DEGEARE; and )  
27 DOES 1 THROUGH 10, inclusive, )  
28 Defendants. )

**STIPULATION**

IT IS HEREBY STIPULATED by and between Plaintiff Gilberto Fajardo and Defendants City of Bakersfield, Juan Orozco and Lindy DeGeare (collectively “Defendants”), through their respective attorneys, as follows:

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

4           2.       Harvey L. Edmonds, M.D., FAAN, has been retained by Defendants to conduct an  
5 examination of Plaintiff Gilberto Fajardo pursuant to Rule 35. A copy of Dr. Edmonds’ curriculum vitae is  
6 attached hereto as Exhibit A.

7           3.       Plaintiff Gilberto Fajardo will submit to a physical examination to be conducted by Harvey L.  
8 Edmonds, M.D., FAAN, on June 24, 2019, at 11 a.m. at the office of Sierra Valley Medico, 2020 17<sup>th</sup> Street,  
9 Suite 2016, Bakersfield, CA 93301, or at another mutually agreed upon date and time before the discovery  
10 cutoff deadline.

11           4.       In addition to questioning by Dr. Edmonds relating to Plaintiff’s complaints, this examination  
12 shall include a comprehensive physical examination of the arms, legs, back, face and body. This examination  
13 is relevant to Plaintiff’s claim of pain and disability.

14           5.       At the time of said examination, Plaintiff will answer all proper questions and inquiries  
15 pertaining to his arms, legs, back, face and body, for the purpose of making a proper diagnosis of the Plaintiff’s  
16 condition.

17           6.       Defendants’ life care planning consultant, Edward L. Bennett, will also attend and observe the  
18 medical examination of the Plaintiff. Following the medical examination of the Plaintiff, Mr. Bennett may  
19 inquire as to Plaintiff’s care provisions, medical durable devices that he has, care providers, therapy,  
20 medications, etc. Further, Mr. Bennett may take photographs of Plaintiff’s medical durable devices.

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

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

24 Dated: June 19, 2019

MARDEROSIAN & COHEN

*/s/ Michael G. Marderosian*

By: \_\_\_\_\_

Michael G. Marderosian,  
Attorneys for Defendants

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Dated: June 19, 2019

LAW OFFICES OF DALE K. GALIPO

*/s/ Melanie Partow*

By: \_\_\_\_\_  
Melanie Partow,  
Attorneys 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: June 19, 2019

/s/ Jennifer L. Thurston  
UNITED STATES MAGISTRATE JUDGE