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16 UNITED STATES DISTRICT COURT  
17 EASTERN DISTRICT OF CALIFORNIA

18 GILBERTO FAJARDO,

19 Plaintiff,

20 vs.

21 CITY OF BAKERSFIELD; JUAN  
22 OROZCO; LINDY DEGEARE; and  
23 DOES 1 THROUGH 10, inclusive,

24 Defendants.

) Case No. 1:16-CV-00699-JLT

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) **AMENDED STIPULATION AND ORDER**

) **FOR PHYSICAL EXAMINATION**

) **OF PLAINTIFF GILBERTO FAJARDO**

) **(Doc. 43)**

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25 **STIPULATION**

26 IT IS HEREBY STIPULATED by and between Plaintiff Gilberto Fajardo and Defendants City of  
27 Bakersfield, Juan Orozco and Lindy DeGeare (collectively "Defendants"), through their respective attorneys,  
28 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 condition is in controversy.

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2. Harvey L. Edmonds, M.D., FAAN, has been retained by Defendants to conduct an examination of Plaintiff Gilberto Fajardo pursuant to Fed. R. Civ. P. 35. A copy of Dr. Edmonds' curriculum vitae is attached hereto as Exhibit A.

3. Plaintiff Gilberto Fajardo will submit to a physical examination to be conducted by Harvey L. 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, Suite 2016, Bakersfield, CA 93301, or at another mutually agreed upon date and time before the discovery cutoff deadline.

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

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

6. An attorney representing Plaintiff may be present.

7. Plaintiff will not be asked any questions related to the following subjects: (1) the incident; (2) his criminal history; or (3) any past or present use of illegal drugs.

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

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

Dated: June 20, 2019

MARDEROSIAN & COHEN

*/s/ Michael G. Marderosian*

By: \_\_\_\_\_  
Michael G. Marderosian,  
Attorneys for Defendants

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Dated: June 20, 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 20, 2019

/s/ Jennifer L. Thurston  
UNITED STATES MAGISTRATE JUDGE