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10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE EASTERN DISTRICT OF CALIFORNIA
12

13
14 **JAMES FERNANDEZ,**

15 Plaintiff,

16 v.

17 **NORTH KERN STATE PRISON, et al.,**

18 Defendants.
19

1:16-cv-01612-AWI-JLT

**STIPULATION RE: DEFENSE MEDICAL
EXAMINATION OF PLAINTIFF JAMES
FERNANDEZ AND ORDER THEREON**

20
21 Plaintiff James Fernandez and Defendants, by and through their respective counsel of
22 record, stipulate as follows under Rule 35 of the Federal Rules of Civil Procedure:

23 1. The parties agree that Plaintiff will submit himself for a defense medical examination
24 (“DME”) by Dr. Alan L. Shabo at his medical offices, located at 10921 Wilshire Boulevard, Suite
25 1205, Los Angeles, CA 90024. The examination will take place on Thursday, **June 15, 2017,**
26 **from 2:00 p.m. to approximately 4:30 p.m.** The following will likely be conducted by Dr.
27 Shabo during the DME:
28

1 **Ophthalmologic Examination:** Including, but not exclusive to, visual acuity testing,
2 motility testing, external ocular examination, slit-lamp biomicroscopy, applanation tonometry and
3 dilated retina examination plus ancillary testing.

4 2. The parties agree that no person other than Plaintiff and Dr. Shabo shall be present
5 during the June 15, 2017 DME. Neither party may record the DME through audio, video or other
6 electronic means.

7 3. Pursuant to Federal Rule of Civil Procedure Rule 35(b), the parties further agree that
8 a written report will be prepared by Dr. Shabo upon the completion of his examination and
9 analysis of the test results (“DME report”). A copy of the DME report will be provided to
10 Plaintiff’s counsel as soon as it is completed. Within seven (7) days of delivery of the DME
11 report, Plaintiff agrees to provide Defendants with all medical reports of all examinations of the
12 same condition.

13 **IT IS SO STIPULATED**

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15 Dated: June ____, 2017

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23 Dated: June ____, 2017

SMITH DOLLAR PC

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ORDER

Based upon the stipulation of counsel, the Court ORDERS:

1. James Fernandez SHALL submit to a medical examination performed by Dr. Alan Shabo on June 15, 2017, from 2:00 p.m. to approximately 4:30 p.m.;

2. The examination SHALL occur at the offices of Dr. Alan Shabo, located at located at 10921 Wilshire Boulevard, Suite 1205, Los Angeles, CA 90024.

IT IS SO ORDERED.

Dated: June 5, 2017

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE