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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION

MARIO CUADRA,  
Plaintiff,  
v.  
GEORGE BROWN SPORTS CLUB-PALM,  
LLC, *et al.*  
Defendants.

Case No. 1:17-CV-01063 DAD-BAM  
**STIPULATED ORDER FOR THE  
PHYSICAL EXAMINATION OF  
PLAINTIFF MARIO CUADRA**  
**(ECF No. 72)**

WCM, INC. dba TEC SPEC,  
Third Party Plaintiff,  
v.  
AMERICAN SPECIALTIES, INC., *et al.*,  
Third Party Defendants.

JOHNSON CONTRACTING, INC.,  
Third Party Plaintiff,  
v.  
WILLIAM MCKEAND, dba TEC SPEC;  
WCM, INC., dba TEC SPECK, *et al.*,  
Third Party Defendants.

1 Plaintiff MARIO CUADRA (“Plaintiff”) and Third-Party Defendant/Third-Party  
2 Plaintiff/Cross-Defendant WMC, INC. dba TEC-SPEC CONSTRUCTIONS (“Tec-Spec”) and  
3 Defendants GEORGE BROWN SPORTS CLUB PALM, LLC and GEORGE BROWN SPORTS  
4 CLUB, INC. (collectively “GB3”) (hereinafter collectively referred to as “Defendants”), by and  
5 through their respective counsel, and, pursuant to the Federal Rule of Civil Procedure 35, hereby  
6 stipulate and agree as follows:

7 **Physical (Orthopedic) Examination**

8 1. That a controversy exists regarding the physical condition of Plaintiff MARIO  
9 CUADRA (“Cuadra” or “Plaintiff”) based on the claims of injuries alleged by Plaintiff in this lawsuit.

10 2. That good cause exists for a physical examination of Plaintiff in that said examination  
11 would be the best method to evaluate the physical condition of Plaintiff and his claims of injury/ies,  
12 past and future medical care, past and future medical treatment, illness, and/or incapacity.

13 3. The date and time for the physical examination will be December 4, 2018, at  
14 11:00a.m. Pacific Time.

15 4. The physical examination will be performed by Michael Klein, M.D., a licensed  
16 Orthopedic Surgeon.

17 5. The location for the examination will be SIMONIAN SPORTS MEDICINE  
18 CLINIC, 729 N. Medical Center Dr. West, Suite 101, Clovis, California.

19 6. The manner for the physical examination will be a two-part examination consisting  
20 of an interview and physical examination. Specifically:

21 a. An interview consisting of a history of the subject accident as it pertains to  
22 the mechanism of Plaintiff’s claimed injuries, a prior and subsequent history as it pertains to  
23 complaints or injuries that involve the same body part(s) claimed to have been injured in the subject  
24 accident, a history of any consultation or examination or treatment from any health care provider  
25 for any injury attributable to the subject accident, Plaintiff’s claims of injury, illness and/or  
26 incapacity and Plaintiff’s treatment for such claims of injury, illness and/or incapacity; and

27 b. A physical examination involving vitals being taken and examination of  
28 Plaintiff’s body parts claimed to have been injured in this action, including but not limited to head,

1 neck, shoulders, left leg, left knee, left thigh, left arm, right knee, right leg, low back, and left lower  
2 extremity injuries. The examination will not include any diagnostic test or procedure that is painful,  
3 protracted or intrusive.

4 7. It is further stipulated that, after the examination, a copy of Dr. Klein's report related  
5 to the examination will be produced to Plaintiff's counsel as required by Federal Rule of Civil  
6 Procedure Rule 35.

7 8. There will be no videotaping of any portion of the examination. The examination  
8 may be audio recorded. A copy of such an audio recording shall be provided to Plaintiff's counsel,  
9 if one is done.

10 9. Plaintiff agrees to reasonably comply with Dr. Klein's cancellation policy and will  
11 advise Defendants if he is unable to attend this examination no less than five (5) days prior to the  
12 examination. Plaintiff will be responsible for payment of Dr. Klein's service fee for any failure to  
13 comply with the cancellation policy. In this situation, Plaintiff and Defendants agree to work  
14 together to promptly reschedule the examination and reasonably resolve any issues regarding the  
15 physical examination.

16 **Physical (Neurological) Examination**

17 10. That a controversy exists regarding the physical condition of Plaintiff MARIO  
18 CUADRA from a neurological standpoint.

19 11. That good cause exists for a neurological examination of Plaintiff in that said  
20 examination would be the best method to evaluate the neurological condition of Plaintiff and his  
21 claims of the effect of his injury, past and future medical care, past and future medical treatment,  
22 illness and/or incapacity.

23 12. The date and time for the physical examination will be December 6, 2018, at  
24 11:00a.m. Pacific Time.

25 13. The physical examination will be performed by Harvey Lawrence Edmonds, M.D.,  
26 FAAN, a California licensed doctor..

27 14. The location for the examination will be 728 E. Bullard Ave., Ste. 104, Fresno,  
28 California 93710.

1           15.     The manner, scope, conditions and nature of the doctor's examination encompass a  
2 physical and neurological examination of Plaintiff with respect to Plaintiff's accident-related  
3 injuries of neurologic deficits of loss of dexterity, claim(s) of personal injury, loss of strength and  
4 related residuals; this examination shall include, but not limited to the taking of a medical history,  
5 the testing of Plaintiff's nerves in his legs, lower extremities, and evaluation of Plaintiff's head,  
6 neck, torso, back, upper and lower extremities, and all nerves and/or neurological systems related  
7 thereto, as well as any other such standard neurological tests. This examination will not include any  
8 test or procedure that is painful, protracted or intrusive.

9           16.     No invasive procedures, such as blood or urine samples, will be required. The  
10 examination will not include any diagnostic test or procedure that is painful, protracted or intrusive.

11           17.     There will be no videotaping of any portion of the examination. The examination  
12 may be audio recorded. A copy of any such audio recording shall be provided to Plaintiff's counsel,  
13 if audio recording is done.

14           18.     It is further stipulated that, following the examination, a copy of Dr. Klein's report  
15 related to the examination will be produced to Plaintiff's counsel as required by Federal Rule of  
16 Civil Procedure Rule 35.

17           19.     Plaintiff agrees to reasonably comply with Dr. Edmonds' cancellation policy and will  
18 advise Defendants if he is unable to attend this examination no less than five (5) days prior to the  
19 examination. Plaintiff will be responsible for payment of Dr. Edmonds' service fee for any failure  
20 to comply with the cancellation policy. In this situation, Plaintiff and Defendants agree to work  
21 together to promptly reschedule the examination and reasonably resolve any issues regarding the  
22 mental examination.

23           The parties agree that this Stipulation may be signed in counterpart, and each counterpart  
24 shall be deemed an original, and all counterparts so executed shall constitute one Stipulation, and  
25 further that faxed signatures shall be treated as originals.

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Dated: November \_\_\_\_, 2018

McCORMICK, BARSTOW, SHEPPARD,  
WAYTE & CARRUTH LLP

By: \_\_\_\_\_  
Anthony N. DeMaria  
Attorneys for GEORGE BROWN SPORTS CLUB  
PALM, LLC. and GEORGE BROWN SPORTS  
CLUB, INC.  
DIAS HALL

Dated: November \_\_\_\_, 2018

By: \_\_\_\_\_  
Steven S. Dias  
Robin M. Hall  
Attorneys for MARIO CUADRA

Dated: November \_\_\_\_, 2018

YOKA & SMITH LLP

By: \_\_\_\_\_  
Alice Chen Smith  
Alexander J. Sharp  
Attorneys for WCM, INC. dba TEC-SPEC  
CONSTRUCTIONS

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**ORDER**

Good cause having been shown and the parties having stipulated to the same (ECF No. 72), the Court approves the Stipulation for the Physical Examination of Plaintiff Mario Cuadra (ECF No. 72), pursuant to Federal Rule of Civil Procedure 35, and adopts the terms of that stipulation, as set forth therein and above, as the Order of the Court. All parties in this action shall abide by the terms of this Stipulated Order for the Physical Examination of Plaintiff Mario Cuadra.

IT IS SO ORDERED.

Dated: November 9, 2018

/s/ Eric P. Grogan  
UNITED STATES MAGISTRATE JUDGE