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5 Attorneys for Defendants COUNTY OF PLACER, EMILY HILL,
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9 IN THE UNITED STATES DISTRICT COURT
 10 FOR THE EASTERN DISTRICT OF CALIFORNIA

11	BRIGIT BARNES, individually and as)	Case No.: 2:07-cv-01678-JAM-JFM
	Guardian Ad Litem for minor children R.X.)	
12	and M.X., JERRY BARNES,)	STIPULATION AND ORDER TO
)	CHANGE DATES OF IME EXAMS
13	Plaintiffs,)	
)	
14	v.)	
)	
15	COUNTY OF PLACER, EMILY HILL,)	
	individually and as an employee of the)	
16	County of Placer, CHRISTY SIMPSON,)	
	individually and as an employee of the)	
17	County of Placer, DEPUTY HARROUN,)	
	individually and as an employee of the)	
18	County of Placer, and Does 1-50 inclusive.)	
)	
19	Defendants.)	
)	
20)	

21 Defendants' motion to compel the Independent Medical Examinations (IMEs) of M.X.
 22 and R.X., heard on December 18, 2008, was unopposed by plaintiffs and therefore granted by the
 23 Court by order dated December 19, 2008. That order reflects defendants' request in their moving
 24 papers that the IME of M.X. to take place in the office of Dr. Charles Scott, defendants' retained
 25 psychiatric expert, on January 9, 2009, and the IME of R.X. to take place in Dr. Scott's office on
 26 January 23, 2009.

1 However, defendants' counsel selected those January, 2009 dates before the Court granted
2 the parties' application for order to amend the Pre-trial Scheduling Order. That amendment
3 changed the date for disclosure of experts from February 12, 2009 to May 6, 2009.

4 In addition, shortly before the December 18, 2009 hearing of defendants' motion to
5 compel the IME of M.X. and R.X., Dr. Scott requested later dates for the IMEs because his
6 schedule in January had become increasingly difficult to manage. He proposed new dates of
7 March 2, 2009 and March 6, 2009. Defendants' counsel circulated those dates to plaintiffs'
8 counsel, and plaintiffs' counsel have agreed to them.

9 The focus of the December 18, 2008 hearing was defendants' other motion, the motion to
10 compel the production of records from SELAH counseling, and the deposition of SELAH
11 counselors Kate Pieper, Margy Staurserth-Grebe, and Ryan Walsh, which was opposed by the
12 SELAH counselors. While accommodating the requests of Ms. Miller and counsel for SELAH
13 for more time to produce and review the SELAH records prior to production, defendants' counsel
14 unfortunately did not clarify for the court that the proposed IME dates had changed from January
15 9 and January 23, 2009 to March 2 and March 6, 2009 respectively.

16 Defendants' counsel was on vacation when the court's order directed that the IMEs take
17 place on January 9 and January 23, 2009 and did not return to his office until January 5, 2009.
18 When defendants' counsel saw the incorrect dates in the December 19, 2008 order, he requested
19 an amendment to the order to correct the IME dates which plaintiff's counsel supported. The
20 Court indicated that it preferred counsel to submit a stipulation and order to change the IME
21 dates.

22 For the reasons stated above, the parties hereby stipulate that the IME of M.X. should
23 take place on March 2, 2009 at the time, location, and under the same conditions it was originally
24 set to take place on January 9, 2009. The parties further stipulate that the IME of R.X. should
25 take place on March 6, 2009 at the same time and location, and under the same conditions as is
26 was originally set to take place on January 23, 2009. Thus, the only alteration in the IMEs

1 ordered by the Court on December 19, 2008 resulting from this stipulation and order is the
2 change of IME dates from January 9, 2009 for M.X., and January 23, 2009 for R.X., to March 2,
3 2009 for M.X. and March 6, 2009 for R.X.

4 Dated: January 13, 2009

PLACER COUNTY COUNSEL'S OFFICE

5 By: /s/ DAVID K. HUSKEY
6 DAVID K. HUSKEY
7 Attorneys for Defendants COUNTY OF
8 PLACER, EMILY HILL, CHRISTY
9 SIMPSON and DEPUTY HARROUN

10 Dated: January 12, 2009

LAW OFFICES OF ROBERT POWELL

11 By: /s/ Robert R. Powell
12 ROBERT R. POWELL
13 Attorney for Plaintiffs

14 Dated: January 9, 2009

NAGELEY, MEREDITH & MILLER, INC.

15 BY: /s/ Andrea M. Miller
16 ANDREA M. MILLER
17 Attorney for Plaintiffs

18 ORDER

19 The foregoing stipulation being unopposed and showing good cause, it is hereby ordered
20 that the IME of M.X. shall take place on March 2, 2009 under the same terms and conditions,
21 and the same time and location, as was originally agreed to by the parties. Furthermore, the IME
22 of R.X. shall take place on March 6, 2009 under the same terms and conditions, and the same
23 time and location, as was originally agreed to by the parties.

24 DATED: January 14, 2009.

25 
26 UNITED STATES MAGISTRATE JUDGE

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