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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CHARLES CORNELIUS JAMES,
Plaintiff,
v.
DEEPAK MEHTA, ET AL.,
Defendant.

Case No. 2:10-cv-01171-LKK-DAD
**JOINT STIPULATION AND ORDER
FOR MENTAL EXAMINATION OF
DEFENDANT UPPAL PURSUANT
TO F.R.C.P. Rule 35**

IT IS HEREBY STIPULATED AND AGREED by and between the parties hereto, by and through their respective counsel, that defendant Dr. R.K. Uppal, M.D., will submit to a mental examination to be conducted by Dr. James Rosenberg, M.D., at a date and time to be determined by the parties;

IT IS FURTHER STIPULATED that the examination is authorized by F.R.C.P. Rule 35 to determine if Dr. Uppal is competent to assist in her defense in this civil action, and that good cause exists for the examination.

IT IS FURTHER STIPULATED that the nature, scope, conditions and manner of the examination are to be as follows:

1. Dr. Uppal will submit to a mental examination to be conducted by Dr. Rosenberg, to determine: (a) If Dr. Uppal is competent to assist in her defense in this civil action; and (b) What affect, if any, would undergoing an oral deposition

1 have on Dr. Uppal's mental health.

2 2. Dr. Rosenberg is a physician licensed to practice medicine in the State
3 of California. Dr. Rosenberg received his medical degree from the UCLA School
4 of Medicine, and completed a transitional internship, a residency in psychiatry at
5 the UCLA Neuropsychiatric Institute, and a fellowship in forensic psychiatry at
6 Case Western Reserve University School of Medicine in Cleveland, OH. Dr.
7 Rosenberg is board-certified in psychiatry with added qualifications in forensic
8 psychiatry by the American Board of Psychiatry & Neurology, Inc. In addition to
9 his extensive teaching and patient-care experience, he has conducted over 1,000
10 medico-legal evaluations.

11 3. The psychiatric examination will span approximately three to five
12 hours, excluding breaks. It will consist of: (a) a focused face-to-face interview; (b)
13 Mini-Mental State Examination; and (c) a Personality Assessment Inventory.

14 4. The psychiatric evaluation will not involve any physical examination.
15 There will be no blood tests or other intrusive medical studies or procedures.

16 5. To the extent that Dr. Uppal can obtain her mental health records, or
17 defense counsel can obtain authorization for Dr. Rosenberg to review them, Dr.
18 Rosenberg will be provided with the records from at least the year preceding the
19 examination, including records from any hospitalizations.

20 6. Dr. Rosenberg will be provided with Dr. Uppal's responses to
21 interrogatories and declaration submitted in support of summary judgment, in
22 addition to the summary judgment motion.

23 7. No parties or counsel will be present at the examination.

24 8. After the examination of Dr. Uppal, Dr. Rosenberg will prepare a
25 written report of his findings in conformance with F.R.C.P. Rule 35. A copy of
26 said report and all mental health records reviewed in preparation for the report will
27 be provided to plaintiff's counsel subject to a protective order for attorneys' eyes
28 only. The protective order will be prepared by Dr. Uppal's counsel and provided to

1 plaintiff's counsel and then the court for approval prior to plaintiff counsel's receipt
2 of the report and records.

3 9. A copy of Dr. Rosenberg's report will also be provided to co-defense
4 counsel subject to a protective order for attorneys' eyes only. The protective order
5 will be prepared by Dr. Uppal's counsel and provided to co-defense counsel and the
6 court for approval prior to co-defense counsel's receipt of the report.

7 10. Dr. Uppal will cover the expense of the examination, by and through
8 the State of California Department of Corrections and Rehabilitation.

9 11. A copy of this Stipulation will be given to Dr. Rosenberg prior to the
10 examination.

11 SO STIPULATED:

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1 Dated: January 10, 2014

U.C. Davis Civil Rights Clinic

(Electronic signature authorized
1/10/14)

By: /s/ Carter C. White

Carter C. White
Supervising Attorney

Attorney for Plaintiff
CHARLES C. JAMES

7 Dated: January 10, 2014

Burke, Williams & Sorensen, LLP

By: /s/ Mitchell A. Wrosch

Susan E. Coleman
Kristina D. Gruenberg
Mitchell A. Wrosch

Attorneys for Defendant
C. CAPITANO AND R.K. UPPAL

13 Dated: January 10, 2014

Williams & Associates

(Electronic signature authorized on
1/10/14)

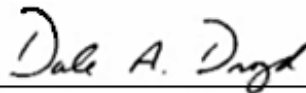
By: /s/ Kathleen J. Williams

Kathleen J. Williams

Attorneys for Defendants
AGUILERA, ANDREASEN, BICK,
DHILLON, MEHTA, PAI,
WILLIAMS, M.D. AND WILLIAMS,
N.P.

21 IT IS SO ORDERED.

23 Dated: January 10, 2014



DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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