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 10 JERALD CLINTON (J.C.) EAGLESMITH,
 11 RAMONA EAGLESMITH,
 12 EILEEN COX, and BRUCE BARNES

13 IN THE UNITED STATES DISTRICT COURT
 14 FOR THE EASTERN DISTRICT OF CALIFORNIA

<p>15 JERALD CLINTON (J.C.) EAGLESMITH,) 16 RAMONA EAGLESMITH, EILEEN COX,) 17 and BRUCE BARNES,) 18 Plaintiffs,) 19 vs.) 20 JEFF RAY, as an individual, SUE) 21 SEGURA, as an individual, and BOARD) 22 OF TRUSTEES OF PLUMAS COUNTY) 23 OFFICE OF EDUCATION/ PLUMAS) 24 COUNTY UNIFIED SCHOOL DISTRICT,) 25 Defendants.)</p>	<p>Case No. 2:11-CV-00098-JAM-JFM STIPULATION AND ORDER TO PRODUCE INDEPENDENT MEDICAL EXAMINER TESTS AND TEST RESULTS TO PARTIES, PURSUANT TO FED.R.CIV.P. 35(b)(1) and (5)</p>
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26 Plaintiffs J.C. Eaglesmith, Eileen Cox and Bruce Barnes allege in their Complaint
 27 that defendants' conduct caused them emotional distress. Because they thereby placed
 28 their mental condition at issue, they agreed to submit to an independent medical
 examination by defendants' expert Dr. Matt Gould. In the course of examining each
 plaintiff, Dr. Gould conducted various psychological tests, and enlisted Dr. Bronson to
 analyze the results.

Plaintiffs have requested that defendants produce the tests and test results in

1 order that plaintiffs can prepare cross examination of Dr. Gould and any other
2 defendant expert that relies on those tests and test results. According to defendant's
3 attorneys, Dr. Gould believes that the ethical rules of the American Psychiatric
4 Association preclude him from sharing "the test and raw data results" with anyone other
5 than a licensed clinical psychologist or psychiatrist.
6

7 On July 27, 2011, the parties entered a Stipulation for Protective Order (Dkt. No.
8 47). The Court signed the Order on July 29, 2011.

9 Fed.R.Civ.P. 35(b)(1) entitles the person examined to be provided with a copy of
10 the medical examiner's written report and requires that the report include "in detail* * *
11 the results of any tests." Rule35(b)(5) grants to the Court the authority to order on
12 motion that the party deliver the report, as defined by Rule 35(b)(1), and "[i]f the report
13 is not provided, the court may exclude the examiner's testimony at trial."
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15 Therefore, plaintiffs and defendants hereby stipulate that the Court enter an
16 Order that directs Dr. Matt Gould to produce the tests and test results to the parties'
17 attorneys.
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19
20 Dated: July 6, 2012

SIEGEL & YEE

21 By: /s/ Peter Haberfeld
22 Peter Haberfeld

23 Attorneys for Plaintiffs
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26 Dated: _____

STUBBS & LEONE

27 By: /s/ Brian Duus
28 Brian Duus

Attorneys for Defendants

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SO ORDERED

Dated: 7/12/2012

/s/ John A. Mendez
Hon. John A. Mendez
U. S. District Court Judge