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8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

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11 I. P., a minor, by and through her guardian ad
litem, FAGUNDOPALACIO DIAZ,
12 MICAELA PALACIO,
13 FACUNDO PALACIO DIAZ,

14 Plaintiffs,

15 BANNER HEALTH, an Arizona corporation,
doing business as BANNER LASSEN
16 MEDICAL CENTER, et al.

17 Defendants.
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20 BANNER HEALTH, an Arizona corporation,
doing business as BANNER LASSEN
21 MEDICAL CENTER et al.

22 Cross-Complainant,

23 vs.

24 PAUL C. DAVAINIS, M.D., and
ROES 100- 200,

25 Cross-Defendants.

CASE NO. 2:13-CV-01012 JAM-CKD

**STIPULATION AND ORDER FOR
INDEPENDENT MEDICAL EXAMINATION
PER FEDERAL RULE OF CIVIL
PROCEDURE 35**

Date: May 7, 2014

Time: 1:00 p.m.

Location: Office of Joseph T. Capell, M.D.
5550 N Palm Ave #101
Fresno, CA 93704

1 Plaintiff's I.P., Facundo Palacio Diaz, and Micaela Palacio and Defendants the United States
2 and Banner Health respectfully submit this stipulation and proposed order for an independent medical
3 examination under Federal Rule of Civil Procedure 35. The parties hereby stipulate that Plaintiff will
4 appear for an independent medical examination as described below:

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6 Date/Time: May 7, 2014 @ 1:00 p.m.
7 Place: 5550 N Palm Ave #101
8 Fresno, CA 93704
9 Contact: Paul McCauley, Office Assistant
10 Phone: 559-435-0161

11 Manner: Physical examination consisting of well standardized medical tests, including a
12 variety of verbal and written questions, to be determined by the examiners during the examination.

13 Conditions: The examination will be conducted in an examination room setting.

14 The examiners have been provided with copies of plaintiff's Complaint, the parties' Rule 26(a)
15 disclosures and discovery responses, all of the medical records produced to date (including by
16 plaintiff, Defendant and in response to subpoenas served upon third party medical providers), and
17 deposition transcripts.

18 Persons Conducting the Examination: Joseph Capell, M.D., Physical Medicine and
19 Rehabilitation Physician. A copy of Dr. Capell's curriculum vitae is attached as Exhibit A to this
20 notice. Also attending the examination will be Tim Sells, Life Care Planner. A copy of Mr. Sells'
21 curriculum vitae is attached as Exhibit B to this notice. Also attending the examination will be Linda
22 Olzack, Life Care Planner. A copy of Ms. Olzack's curriculum vitae is attached as Exhibit C to this
23 notice. Also attending the examination will be Dr. Kimberly BeDell, Pediatric Physiatrist. A copy of
24 Ms. BeDell's curriculum vitae is attached as Exhibit D to this notice. Nurses or other support
25 personnel that are needed to take measurements, notes or otherwise assist with the examination may
26 also be present.

27 It is estimated that the examination will take two hours. The examination will not be recorded,
28 but the examiners will take notes.

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BENJAMIN B. WAGNER
United States Attorney

Dated: April 29, 2014

By: /s/ Victoria L. Boesch
VICTORIA L. BOESCH
Assistant United States Attorney

Attorneys for Defendant
United States of America

Dated: April 29, 2014

/s/ Thomas Doyle (authorized 4/28/14)
THOMAS DOYLE
SCHUERING ZIMMERMAN & DOYLE

Attorneys for Defendant
Banner Health

Dated: April 29, 2014

/s/ Eduardo J. Ascencio (authorized 4/29/14)
EDUARDO J. ASCENCIO
LAW OFFICES OF BRUCE G. FAGEL
& ASSOCIATES

Attorneys for Plaintiffs

IT IS SO ORDERED.

Dated: May 1, 2014

CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE