

1 KAMALA D. HARRIS, State Bar No. 146672
 Attorney General of California
 2 DAVID J. NEILL, State Bar No. 186997
 Supervising Deputy Attorney General
 3 LYKISHA D. BEASLEY, State Bar No. 282907
 Deputy Attorney General
 4 1300 I Street, Suite 125
 P.O. Box 944255
 5 Sacramento, CA 94244-2550
 Telephone: (916) 324-3646
 6 Fax: (916) 324-5567
 E-mail: Lykisha.Beasley@doj.ca.gov
 7 *Attorneys for Defendant*
Department of Motor Vehicles

8
 9 IN THE UNITED STATES DISTRICT COURT
 10 FOR THE EASTERN DISTRICT OF CALIFORNIA
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12
 13 **BRIAN BURCH,**

14 Plaintiff,

15 v.

16 **CALIFORNIA DEPARTMENT OF**
 17 **MOTOR VEHICLES and DOES 1 - 10,**
 18 **inclusive,**

19 Defendant.

2:13-CV-01283-TLN-DAD

**STIPULATION AND ORDER FOR
 MENTAL TESTING AND
 EXAMINATION PURSUANT TO RULE
 35 OF THE FEDERAL RULES OF CIVIL
 PROCEDURE**

Judge: Honorable Troy L. Nunley
 Trial Date: July 11, 2016
 Action Filed: June 26, 2013

20 It is stipulated by Gregory Finch of the Signature Law Group, attorneys for plaintiff, and by
 21 Lykisha D. Beasley, Deputy Attorney General of the California Attorney General’s Office,
 22 attorneys for defendants (collectively, the “parties”) as follows:

23 1. The vocational abilities and earning capacity of the plaintiff are in controversy in the
 24 above-referenced action. Plaintiff alleges that actions taken by his employer, the DMV, have and
 25 will continue to cause him to incur significant lost income, lost benefits, and lost employment and
 26 promotional opportunities. Plaintiff also claims that at times, he was given inordinate amounts of
 27 work, insufficient amounts of work, inaccurate work evaluations, and also that he was subject to a
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1 hostile work environment. Plaintiff further asserts that he suffers from depression, anxiety, stress,
2 and humiliation due to the defendant employer. Between July of 2011 and January of 2015,
3 plaintiff has worked only a handful of days due to medical in connection with the allegations at
4 issue in this lawsuit.

5 2. Plaintiff will thus submit to a vocational interview and testing administered by Ricky
6 A. Sarkisian, Ph.D. The testing shall be conducted to industry standards. The interview and
7 testing will take place at Valley Rehabilitation Services, Inc., 545 E. Alluvial Avenue, Suite 116,
8 Fresno, CA 93720. The interview and testing by Dr. Sarkisian will occur on November 23, 2015.
9 The interview and testing will begin at 10:00 a.m. and last approximately four hours, and will be
10 conducted in an air conditioned office-type setting. Only plaintiff and Dr. Sarkisian (and Dr.
11 Sarkisian's support staff, if any) are permitted inside the room where the interview and testing
12 will take place.

13 3. Plaintiff will also submit to a clinical interview and psychological testing conducted
14 by Randall Epperson, Ph.D, on February 16, 2016, at 9:00 a.m. The examination will take place at
15 Dr. Epperson's office located at 1601 I Street, Suite 440, Modesto, CA 95354. The examination
16 will begin at 9:00 a.m. and last approximately seven hours, and will be conducted in an air
17 conditioned office-type setting. Only plaintiff and Dr. Epperson (and Dr. Epperson's support
18 staff, if any) are permitted inside the room where the examination will take place. The parties
19 understand and agree that the Scheduling Order (ECF No. 65) will need to be modified in order to
20 accommodate the psychological examination appointment which falls beyond the close of
21 discovery. The parties stipulate to holding discovery open until February 16, 2016 for the sole
22 purpose of Dr. Epperson's examination. All other discovery will be completed by November 25,
23 2015 in accordance with the Scheduling Order.

24 4. During the testing and interview, plaintiff shall truthfully answer all questions
25 submitted to him by Drs. Sarkisian and Epperson including those concerning his occupational
26 history, his prior and current injuries, and his prior and current medical and psychological
27 condition as well as those items listed below in paragraph 5.
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1 5. The testing and interview will involve no invasive, dangerous, or painful physical
2 procedures. The interview portion will involve taking plaintiff's medical and psychiatric history,
3 including a personal, family, marital, relationship, developmental, educational, financial,
4 occupational, social, legal, drug, alcohol, medical, medication, and hospitalization history. The
5 examination will involve a mental status interview.. The interview will also involve taking a
6 stated history of events leading to the emotional, mental or medical conditions plaintiff claims to
7 have suffered as a result of defendants' alleged conduct, identified above; the appropriateness of
8 treatment plaintiff received including therapy, counseling, and medication; an evaluation of the
9 prognosis of the plaintiff's conditions; and, an evaluation as to whether plaintiff would benefit
10 from a particular course of treatment.

11 6. This stipulation is made in lieu of the defendants' motion pursuant to Rule 35 of the
12 Federal Rules of Civil Procedure.

13 7. Defendants are responsible for Drs. Sarkisian and Epperson's costs conducting the
14 testing and examination.

15 **IT IS SO STIPULATED.**

16 Dated: November 20, 2015

GREGORY.FINCH, ESQ.
SIGNATURE LAW GROUP, LLP.

/s/ GREGORY FINCH as authorized on
11/20/15

GREGORY FINCH
Attorneys for Plaintiff

22 Dated: November 20, 2015

KAMALA D. HARRIS
ATTORNEY GENERAL OF CALIFORNIA
DAVID J. NEILL
SUPERVISING DEPUTY ATTORNEY
GENERAL

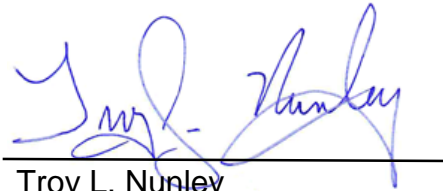
/s/ LYKISHA D. BEASLEY

LYKISHA D. BEASLEY
DEPUTY ATTORNEY GENERAL
Attorneys for Defendants

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IT IS SO ORDERED.

Dated: December 4, 2015



Troy L. Nunley
United States District Judge