Mayfield v. Orozco, et al. Doc. 121

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STIPULATION RE IME OF PLAINTIFF JAMES -1-JOSHUA MAYFIELD

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v.

IVAN OROZCO, in his individual capacity; SHERIFF SCOTT JONES, in his individual and official capacity; RICK PATTISON, in his individual and official capacity, COUNTY OF SACRAMENTO; UNIVERSITY OF CALIFORNIA DAVIS HEALTH SYSTEM; and DR. GREGORY SOKOLOV, in his individual capacity; DR. ROBERT HALES, in his individual capacity, and DOES 1-5,

Defendants.

## STIPULATION RE IME OF PLAINTIFF JAMES JOSHUA MAYFIELD

Complaint Filed: December 3, 2013
1st Amended Complaint Filed: March 26, 2014
2<sup>nd</sup> Amended Complaint Filed: March 19, 2015
3<sup>rd</sup> Amended Complaint Filed: June 22, 2015
4<sup>th</sup> Amended Complaint Filed: June 20, 2016
Trial Date: May 17, 2017

## IT IS HEREBY STIPULATED BY THE PARTIES TO CASE NO. 2:13-CV-02499-JAM-AC AS FOLLOWS:

- 1. The defense will conduct one joint independent medical examination ("IME") of Plaintiff JAMES JOSHUA MAYFIELD ("Plaintiff") pursuant to Fed. R. Civ. Proc. 35;
  - 2. The IME will be completed on August 25, 2016 at Plaintiff's home;
  - 3. The IME will last no more than 3 hours;
- 4. Only one physical examiner, Dr. Thomas Hedge ("Dr. Hedge"), and one life care planner, Stacy Helvin ("Ms. Helvin"), will be present at the examination for the defense;
- 5. Plaintiffs will also have one life care planner, Dr. Walter Harrell ("Dr. Harrell"), and Dr. Juan Latorre, Physical Medicine and Rehabilitation ("Dr. Latorre"), present during the IME;
- 6. Ms. Helvin, Dr. Harrell and Dr. Latorre will remain silent during the examination by Dr. Hedge;
- 7. Given that Plaintiffs will have an attorney present during the IME, defendants will also have one attorney present during the IME;
- 8. CVs of Dr. Hedge, Ms. Helvin, Dr. Harrell and Dr. Latorre will be exchanged by the parties upon execution of this Stipulation.
- 9. Pursuant to Federal Rule of Civil Procedure Rule 35(b), Defendants agree to produce the IME report of Dr. Hedge, as well Ms. Helvin's report of what she observed during the IME by September 22, 2016. Plaintiffs likewise agree to produce the reports of Drs. Harrell and Latorre on

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BIRNEY, LLP

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| 1  | September 22, 2016.  |  |
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|    | DATED: July 13, 2016 | WILKE, FLEURY, HOFFELT, GOULD & BIRNEY, LLP  |
| 3  |                      | By: /s/ Bianca S. Watts  |
| 4  |                      | NEAL C. LUTTERMAN<br>ROBERT F. TYLER, JR.  |
| 5  |                      | BIANCA S. WATTS  |
| 6  |                      | Attorneys for Defendants REGENTS OF THE UNIVERSITY OF CALIFORNIA,                      |
| 7  |                      | now sued as the UNIVERSITY OF CALIFORNIA DAVIS HEALTH SYSTEM, and DR. GREGORY SOKOLOV, |
| 8  |                      | and DR. ROBERT HALES   |
| 9  | DATED: July 13, 2016 | HADSELL STORMER & RENICK LLP<br>RIFKIN LAW OFFICE                                      |
| 10 |                      | By: /s/ - Barbara Enloe Hadsell  |
| 11 |                      | BARBARA ENLOE HADSELL<br>DAN STORMER   |
|    |                      | JOSH PIOVIA-SCOTT  |
| 12 |                      | ACRIVI COROMELAS<br>CAITLAN McLOON   |
| 13 |                      | Attorneys for Plaintiffs   |
| 14 |                      | JAMES JOSHUA MÄYFIELD, JAMES ALLISON<br>MAYFIELD, JR., and TERRI MAYFIELD              |
| 15 | DATED: July 13, 2016 | LONGYEAR, O'DEA & LAVRA, LLP   |
| 16 |                      | By: /s/ - Van Longyear   |
| 17 |                      | VAN LONGYEAR<br>PETER ZILAFF   |
| 18 |                      | NICOLE CAHILL  |
|    |                      | Attorneys for Defendants COUNTY OF SACRAMENTO; SCOTT JONES,                            |
| 19 |                      | SHERIFF; JAMES LEWIS; RICK PATTISON  |
| 20 | DATED: July 13, 2016 | PORTER SCOTT   |
| 21 |                      | By: /s/ - Adam DeBow   |
| 22 |                      | JOHN R. WHITEFLEET<br>ADAM DEBOW   |
| 23 |                      | Attorneys for Defendant IVAN OROZCO  |
| 24 |                      | IVAN OROZCO  |
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## **ATTESTATION REGARDING SIGNATURES** I, Bianca S. Watts, hereby attest that all other signatories listed, and on whose behalf the filing is submitted, concur in the filings content and have authorize the filing. DATED: July 13, 2016 /s/ Bianca S. Watts Bianca S. Watts

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| 2  | Based upon the foregoing Stipulation of the parties and good cause appearing, it is hereby          |  |  |
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| 3  | ordered that:   |  |  |
| 4  | 1. The defense will conduct one joint independent medical examination ("IME") of                    |  |  |
| 5  | Plaintiff JAMES JOSHUA MAYFIELD ("Plaintiff") pursuant to Fed. R. Civ. Proc. 35;                    |  |  |
| 6  | 2. The IME will be completed on August 25, 2016 at Plaintiff's home;                                |  |  |
| 7  | 3. The IME will last no more than 3 hours;  |  |  |
| 8  | 4. Only one physical examiner, Dr. Thomas Hedge ("Dr. Hedge"), and one life care                    |  |  |
| 9  | planner, Stacy Helvin ("Ms. Helvin"), will be present at the examination for the defense;           |  |  |
| 10 | 5. Plaintiffs will also have one life care planner, Dr. Walter Harrell ("Dr. Harrell"), and         |  |  |
| 11 | Dr. Juan Latorre, Physical Medicine and Rehabilitation ("Dr. Latorre"), present during the IME;     |  |  |
| 12 | 6. Ms. Helvin, Dr. Harrell and Dr. Latorre will remain silent during the examination by             |  |  |
| 13 | Dr. Hedge;  |  |  |
| 14 | 7. Given that Plaintiffs will have an attorney present during the IME, defendants will also         |  |  |
| 15 | have one attorney present during the IME;   |  |  |
| 16 | 8. CVs of Dr. Hedge, Ms. Helvin, Dr. Harrell and Dr. Latorre will be exchanged by the               |  |  |
| 17 | parties upon execution of this Stipulation; and   |  |  |
| 18 | 9. Defendants agree to produce the IME report of Dr. Hedge, as well Ms. Helvin's report             |  |  |
| 19 | of what she observed during the IME by September 22, 2016. Plaintiffs likewise agree to produce the |  |  |
| 20 | reports of Drs. Harrell and Latorre on September 22, 2016.  |  |  |
| 21 | IT IS SO ORDERED.   |  |  |
| 22 | Dated: July 14, 2016  By: /s/ John A. Mendez  JOHN A. MENDEZ.                                       |  |  |
| 23 | United States District Court Judge  |  |  |
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ORDER OF RE: IME OF PLAINTIFF JAMES JOSHUA MAYFIELD

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