1

ADAMS & CORZINE
A Professional Corporation
MICHAEL K. PAZDERNIK, ESQ. SBN 144337
MARIA S. ROSENFELD, ESQ. SBN 186116
740 Oak Avenue Parkway, Suite 120
Folsom, CA 95630
Phone: (916) 983-3900
Fax: (916) 983-3922

Attorneys for Defendant
KEVIN J. CASSIDY

2

3

4

5

6

7

8

9

10

11

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

SACRAMENTO DIVISION

12

13

14

15

16

17

18

COLLEEN STEWART,	) Case No. 2:14-CV-00326-CKD
	)
Plaintiff,	) **STIPULATION AND ORDER FOR**
	) **PHYSICAL EXAMINATION OF PLAINTIFF**
vs.	)
	) **Assigned to:**
KEVIN J. CASSIDY,	) **Magistrate Judge: Hon. Carolyn K. Delaney**
	)
Defendant.	)
	)
	)

19

20

The parties herein, through their attorneys of record, hereby agree and stipulate to the following:

21

22

23

(1)   Plaintiff Colleen Stewart ("plaintiff") shall submit to a physical examination on October 8, 2014 at 4:00 p.m. by licensed prosthodontist Robert Gillis, D.M.D., at Dr. Gillis' office located at 3000 L Street, Sacramento, CA 95816.

24

25

26

Dr. Dr. Gillis has been retained as a defense expert and will testify on the issues of duty, breach, causation and damages from the perspective of a D.M.D., including but not limited to opinions relating to function and aesthetics, and concerning the propriety of the treatment plan, and standard of care issues as regards to the treatment plan and execution of the treatment plan.

27

28

(2) The examination will be conducted for the purpose of determining, evaluating and assessing the plaintiff's dental condition and claims of dental injury in controversy in this action.

STIPULATION AND ORDER FOR PHYSICAL EXAMINATION OF PLAINTIFF
Case No. 2:14-CV-00326-GEB-CKD

Claims of continuing, ongoing or permanent dental and dental related problems, if any, will be within the scope of the examination, including claims for future care and/or treatment.

The examination by Dr. Gillis shall include, and be limited to, a taking of plaintiff's Dental history relevant to the injuries she sustained which are the subject of this litigation; any and all dental treatment and diagnoses relating to the injuries she alleges she suffered in this accident; and her continuing symptomology.

(3) At the time of said examination, plaintiff shall answer all proper questions submitted to her by Dr. Gillis, including, but not limited to, those relating to her dental history, prior dental related injuries, and present symptoms regarding plaintiff's restorations and otherwise, for purposes of Dr. Gillis' evaluation and examination.

(4) The examination shall not include any intrusive and/or painful testing, such as blood tests, but may include the taking of X-rays, and/or the taking of photographs and measurements as deemed necessary by Dr. Gillis to perform a prosthodontic evaluation examination.

(5) Dr. Gillis will be provided with plaintiff's medical records and films by defense counsel, which he will review prior and/or subsequent to his examination of plaintiff.

(6) After the examination of plaintiff, Dr. Gillis will prepare a written report of his findings in conformance with F.R.C.P. Rule 35. A copy of such report will be provided to plaintiff's counsel simultaneously when provided to defense counsel.

Dated: ADAMS & CORZINE

                                          By _____
                                             MICHAEL K. PAZDERNIK
                                             Attorney for Defendant KEVIN J. CASSIDY

Dated: LAW OFFICE OF BRUCE S. OSTERMAN

                                          By _____
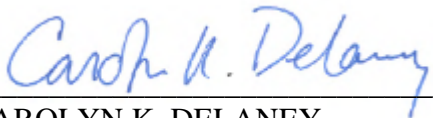   DAVID EDWARD MAY
                                             Attorney for Plaintiff COLLEEN STEWART

1

ORDER

2

3   It is hereby ordered that the physical examination of plaintiff Colleen Stewart, shall

proceed according to the terms of the parties' stipulation, above.

4

5

6 IT IS SO ORDERED.

7

8 Dated: September 9, 2014

9   _____
   CAROLYN K. DELANEY
10   UNITED STATES MAGISTRATE JUDGE

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

STIPULATION AND ORDER FOR PHYSICAL EXAMINATION OF PLAINTIFF
Case No. 2:14-CV-00326-GEB-CKD