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8	Phone: (916) 563-3100 Facsimile: (916) 565-3704		
9	Attorneys for Defendant/Cross-Complainant Sutter Davis Hospital		
11	THE UNITED STATES DISTRICT COURT		
12	FOR THE EASTERN DISTRICT OF CALIFORNIA		
13			
14	E.R., a minor, by and through his Guardian ad Litem, CAROLYN YOUNG,	Case No.: 2:14-CV-02053-WBS-CKD	
15	Plaintiff,	STIPULATION AND ORDER FOR DEFENSE MEDICAL EXAMINATION	
16	v.	DEFENSE MEDICAL EXAMINATION	
17	SUTTER DAVIS HOSPITAL, SUTTER WEST WOMEN'S HEALTH, SUSAN	Hon. William B. Shubb	
18	MAAYAH, M.D., and DOES 1 to 100, inclusive,		
19	Defendants.		
20 21	SUTTER DAVIS HOSPITAL,		
22	Cross-Complainant,		
23	v.		
24	UNITED STATES OF AMERICA,		
25	Cross-Defendant.		
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27	///		
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THE PARTIES, THROUGH THEIR RESPECTIVE COUNSEL OF RECORD, STIPULATE AS FOLLOWS:

Pursuant to FRCP 35, plaintiff E.R., a minor, by and through his Guardian ad Litem Carolyn Young, will appear for a physical examination by:

NAME: Donald Olson, M.D.

ADDRESS: La Follette, Johnson, De Haas

Fesler & Ames

655 University Avenue, Suite 119

Sacramento, CA 95825

DATE OF EXAM: Monday, October 26, 2015

TIME OF EXAM: 10:00 a.m.

The nature, scope, conditions and manner of the examination are to be as follows:

- 1. The examining physician may ask, and plaintiff's guardian shall answer, questions relating to present symptoms and conditions, and present medical history.
- 2. The examining physician may use accepted diagnostic instruments, tests, manipulations and techniques as may be appropriate upon consent of plaintiff's guardian, but no procedure causing pain or undue discomfort or endangering plaintiff's life or health shall be used. The examination will be performed on plaintiff's head, neck, shoulders, back, arms, legs and any other areas potentially involved, as may be determined based upon the signs and symptoms of plaintiff.
- 3. Plaintiff will appear at the scheduled time for the defense medical examination, but will not be unduly inconvenienced by the defendant physician's examination. If the defense examination has not commenced within sixty (60) minutes, plaintiff will consider this protracted delay to be a waiver of defendant's right to the defense examination and will leave the examiner's office.
 - 4. Plaintiff may be accompanied by his attorney or other legal representative.
- 5. No person other than plaintiff, his representative and the examining physician will be allowed to be present during the examination.

1	6. The examination must be limited to plaintiff's physical condition that is in	
2	controversy in this action. Those conditions are the physical injuries he sustained on	
3	February 3, 2010.	
4	7. Plaintiff will not submit to any x-rays, CT scans, MRI's or any other	
5	radiographic studies.	
6	8. The examination may not include any diagnostic test or procedure that is	
7	painful, protracted or intrusive.	
8	9. Plaintiff demands a copy of any discoverable reports, records, reviews,	
9	examination charges and writings generated by Dr. Olson in this matter. This request	
10	includes a copy of any detailed written report, setting out any history, examination findings,	
11	results of all tests conducted, any diagnoses and prognosis of the examiners. A copy of these	
12	reports shall be delivered within thirty (30) days after examination, or within 15 day of trial,	
13	whichever is earlier.	
14	10. All parties agree that this medical examination will be the only FRCP 35	
15	physical examination of plaintiff by the defendants.	
16	Respectfully submitted,	
17		
18	Dated: October 21, 2015 LA FOLLETTE, JOHNSON, DE HAAS, FESLER & AMES	
19	Attorneys for Defendant and Cross-Complainant SUTTER DAVIS HOSPTIAL	
20	SOTTER DAVIS HOST TIME	
21	Rv· /s/	
22	By: <u>/s/</u> LARRY THORNTON	
23		
24	Dated: October 21, 2015 RICE & BLOOMFIELD, LLP	
25	Attorneys for Plaintiff ELICEO REHG,	
26		
27	By: <u>/s/</u> LINDA FERMOYLE RICE	
28	LINDA FERMOYLE RICE	

1 2	Dated: October 21, 2015	SCHUERING ZIMMERMAN & DOYLE Attorneys for Defendants SUTTER WEST WOMEN'S HEALTH;
3		SUSAN K. MAAYAH, M.D.
4		
5		By:/s/ KAT TODD
6		KAT TODD
7	Data de Oataban 21 2015	LLC ATTORNEY
8	Dated: October 21, 2015	U.S. ATTORNEY Attorneys for Defendant THE UNITED STATES
9		THE UNITED STATES
10		By: <u>/s/</u>
11		GREG BRODERICK
12		
13	IT IS SO ORDERED:	
14	Dated: October 22, 2015	Carop U. Delany
15		CAROLYN K. DELANEY
16		UNITED STATES MAGISTRATE JUDGE
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