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16 IN THE UNITED STATES DISTRICT COURT
 17 FOR THE EASTERN DISTRICT OF CALIFORNIA

19 **ELSIDDIG ELHINDI,**

21 Plaintiff,

22 v.

23 **STATE OF CALIFORNIA; and**
 24 **CALIFORNIA DEPARTMENT OF**
CORRECTIONS AND
REHABILITATION,

25 Defendants.

2:15-CV-00009-MCE-AC

**STIPULATION AND ORDER FOR
 MEDICAL EXAMINATION**

Date: May 18, 2017

Action Filed: January 5, 2015

1 2. Plaintiff will not be required to fill out new patient forms, insurance forms,
2 authorization for records, or arbitration forms prior to the examination and will not be asked to do
3 so by Dr. Carroll.

4 3. The total length of the examination will last approximately five hours exclusive of
5 breaks, depending on various factors, including Plaintiff's cooperation. Dr. Carroll shall not seek
6 to uncover any attorney-client privileged information or ask questions that call for a legal
7 conclusion. Plaintiff will be entitled to take reasonable rest or bathroom breaks, if necessary.
8 The only persons permitted in the examination session will be Dr. Carroll and Plaintiff; no one
9 else will be allowed to attend or be present. Dr. Carroll will tape record the examination session,
10 but will not provide a copy of the recording to Plaintiff. However, Plaintiff is welcomed to bring
11 his own recording device and record the session for himself.

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14 **Report:**

15 1. Dr. Carroll will be designated as Defendant's expert witness and will prepare a
16 report of his findings and conclusions which meet the requirements of Federal Rules of Civil
17 Procedure 26(a)(2)(B), 35, and any other applicable rule. Upon receiving the report from Dr.
18 Carroll, Defendant will deliver a copy of the report along with any additional reports regarding
19 the findings of any psychological testing, to Plaintiff's counsel. Defendant will deliver all
20 supplemental reports to Plaintiff's counsel as they become available.

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22 2. The test(s) taken by Plaintiff as part of the mental examination, along with any
23 notes and/or written reports and/or records maintained in any format, including electronic data,
24 are confidential medical records relating to Plaintiff's mental health. These records are
25 confidential and shall not be subject to distribution, without the written authorization of Plaintiff,
26 to anyone except for legal counsel for Defendant, counsel's experts or consultants, and necessary
27 members of counsel's staff, who shall treat these documents as confidential. Said records may be
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1 used by defense counsel in preparation for trial, in trial, and in other proceedings by Plaintiff
2 against Defendant, but for no other purpose unrelated to Plaintiff's litigation(s) against
3 Defendant. At the conclusion of this case, Dr. Carroll will return his entire original file to defense
4 counsel and destroy any of his other remaining copies.

5 **Additional Stipulations:**

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7 1. Defendant will transmit a copy of the signed order to Dr. Carroll so that he is
8 aware of the parameters of the agreed-upon examination. Dr. Carroll will not engage in ex parte
9 contact Plaintiff's other health care providers with regard to Plaintiff, although he is entitled to
10 rely upon Plaintiff's lawfully produced medical and health treatment records in preparing his
11 report. Dr. Carroll may ask for identification from Plaintiff but shall not seek to photocopy or
12 record Plaintiff's government identification.

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14 2. Dr. Carroll, and/or his staff, shall not engage in ex parte contact with Plaintiff's
15 Health Care Providers, with regard to Plaintiff.

16 3. Plaintiff reserves the right to argue that any information acquired or learned or any
17 evaluation made in violation of this agreement will not be evidence for any reason. The parties
18 further agree that the Court may, upon motion at trial, strike, preclude or limit any testimony of
19 the examiner as appropriate and that Plaintiff is not waiving his right to such relief by agreeing to
20 this examination.
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1 Dated: April 14, 2017

Respectfully submitted,

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IslJonathon S. Cherne

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JONATHON CHERNE
CHURCH STATE COUNCIL
*Attorneys for Plaintiff,
Elsiddig Elhindi*

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Dated: April 14, 2017

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Attorney General of California
SUSAN E. SLAGER
Supervising Deputy Attorney General

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IslJ. T.Lindstrom

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TED LINDSTROM
Deputy Attorney General
*Attorneys for Defendant
Department of Corrections and
Rehabilitation*

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ORDER

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IT IS SO ORDERED.

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17 DATED: April 20, 2017



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ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE

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Stipulation & Order For Medical Examination.doc

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