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14
15 IN THE UNITED STATES DISTRICT COURT
16 FOR THE EASTERN DISTRICT OF CALIFORNIA
17 SACRAMENTO DIVISION
18

19 **DEV PATEL,**

20 Plaintiff,

21 **v.**

22 **STATE OF CALIFORNIA,**

23 Defendant.
24

Case No. 2:15-cv-02471-KJN

**STIPULATION AND ORDER FOR
MENTAL EXAMINATION**

Judge: Kendall J. Newman
Action Filed: 11/30/2015

25 **WHEREAS**, Plaintiff Dev Patel (“Plaintiff”) alleges that he was discriminated against,
26 harassed, and retaliated against by his current and former employers, California Department of
27 Public Health (“CDPH”) and Department of Toxic Substance Control (“DTSC”; CDPH and
28 DTSC referred to collectively as “Defendants”); and

1 **WHEREAS**, Plaintiff testified that he has experienced and is experiencing extreme and
2 ongoing emotional distress as a result of the conduct alleged; and

3 **WHEREAS**, in connection with Plaintiff's workers' compensation action, Robert T.
4 Levine, M.D., opined, *inter alia*, that Plaintiff suffers from "Depression and Psychophysiologic
5 Disorders"; and

6 **WHEREAS**, Defendants wish to proceed with a mental examination of Plaintiff in order to
7 evaluate his claim for emotional distress;

8 **NOW THEREFORE, THE PARTIES AGREE AND STIPULATE AS FOLLOWS:**

9 Plaintiff will submit to a mental/psychiatric examination, pursuant to Federal Rule of Civil
10 Procedure 35, as follows:

11 **Date:** November 10, 2017

12 **Time:** 9:30 a.m.

13 **Location:** U.S. Legal Support

14 2710 Gateway Oaks Drive, Suite 300S

15 Sacramento, California 95833

16 **Examining Physician:** Matthew F. Carroll, M.D. (CV attached as **Exhibit A**)

17 **Manner of Examination:** Dr. Carroll will interview Plaintiff about his psychological
18 state/condition, including but not limited to, questioning Plaintiff about his employment situation,
19 his allegations against CDPH and DTSC, his medical, financial, legal, educational, family, and
20 developmental background, his habits, his vocational history, and other relevant areas of his life.
21 After the interview, Dr. Carroll will administer the Minnesota Multiphasic Personality Inventory
22 test. The total length of the examination will last approximately four to five hours, depending on
23 various factors, including Plaintiff's cooperation. The only persons permitted in the examination
24 session will be Dr. Carroll and Plaintiff; no one else will be allowed to attend or be present. Dr.
25 Carroll will tape record the examination session, but will not provide a copy of the recording to
26 Plaintiff. However, Plaintiff is welcomed to bring his own recording device and record the
27 session for himself. Plaintiff will not be video-recorded.

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1 **Report:** Dr. Carroll will be designated as an expert witness and will prepare a report of his
2 findings and conclusions that meet the requirements of Federal Rules of Civil Procedure
3 26(a)(2)(B), 35, and any other applicable rule. Upon receiving the report from Dr. Carroll,
4 Defendants will deliver a copy of the report along with any additional reports regarding the
5 findings of any psychological testing to Plaintiff's counsel. Defendants will deliver all
6 supplemental reports to Plaintiff's counsel as they become available. Plaintiff shall have the right
7 to depose Dr. Carroll if he deems it necessary.

8 IT IS SO STIPULATED.

9 Dated: October 5, 2017

Respectfully submitted,

10 */s/ Richard M. Rogers*
11 LAW OFFICE OF RICHARD M. ROGERS
12 RICHARD M. ROGERS
13 Attorneys for Plaintiff Dev Patel

14 Dated: October 5, 2017

Respectfully submitted,

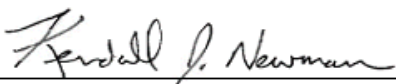
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18 Supervising Deputy Attorney General

19 */s/ Jerry J. Deschler*
20 JERRY J. DESCHLER
21 Deputy Attorney General
22 Attorneys for Defendants
23 California Department of Public Health and
24 Department of Toxic Substances Control

25 ORDER

26 IT IS SO ORDERED

27 Dated: October 10, 2017

28 
KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE