

1 PHILLIP A. TALBERT  
United States Attorney  
2 VICTORIA L. BOESCH  
Assistant United States Attorney  
3 501 I Street, Suite 10-100  
Sacramento, CA 95814  
4 Telephone: (916) 554-2743  
Facsimile: (916) 554-2900  
5 Attorneys for the United States

8 IN THE UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA

11 ROGER MCCULLAR,  
12 Plaintiff,  
13 v.  
14 UNITED STATES OF AMERICA,  
15 Defendant.

CASE NO.: 2:16-CV-01174-TLN-CKD

**STIPULATION AND ~~PROPOSED~~  
ORDER FOR MEDICAL  
EXAMINATIONS PER FEDERAL RULE  
OF CIVIL PROCEDURE 35**

17  
18 Plaintiff Roger McCullar and Defendant the United States respectfully submit this stipulation  
19 and proposed order for medical examinations under Federal Rule of Civil Procedure 35, which  
20 provides that the court may order physical examination of a party whose physical condition is in  
21 controversy.

22 The parties hereby stipulate that Plaintiff will submit to a medical examination by Dr.  
23 Eugene J. Carragee, M.D, on July 19, 2017, at 10:00 a.m. followed by a medical examination by  
24 Dr. D. Michael Hembd, M.D., on July 19, 2017 at 12:30 at 501 I Street in Sacramento,  
25 California, in the Federal Occupational Health Facility, Suite 7-300. The examinations will not  
26 be audiotaped. No staff or attorneys from the offices of Plaintiff's or Defendant's counsel will  
27 attend the examinations.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Dated: June 15, 2017

PHILLIP A. TALBERT  
United States Attorney

By: /s/ Victoria L. Boesch  
VICTORIA L. BOESCH  
Assistant United States Attorney

Attorneys for Defendant  
United States of America

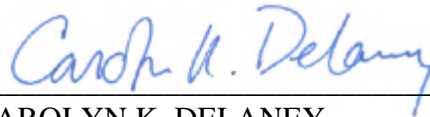
SMITH ZITANO LAW LLC

By: /s/ David E. Smith (authorized on 6/15/2017)  
DAVID E. SMITH

Attorneys for Plaintiff  
Roger McCullar

**IT IS SO ORDERED.**

Dated: June 20, 2017



\_\_\_\_\_  
CAROLYN K. DELANEY  
UNITED STATES MAGISTRATE JUDGE