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7
8 IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

9
10 JUDY MUNSHOWER,

11 Plaintiff,

12 v.

13 UNITED STATES OF AMERICA,

14 Defendant.

Case No. 2:16-CV-02386-JAM-EFB

**STIPULATION AND [PROPOSED]
ORDER FOR INDEPENDENT MEDICAL
EXAMINATION**

15
16 Defendant United States and Plaintiff Judy Munshower, by and through their respective counsel,
17 respectfully submit this stipulation and proposed order for an independent medical examination under
18 Federal Rule of Civil Procedure 35.

19 The parties hereby stipulate that Plaintiff Judy Munshower will submit to a medical examination
20 by Dr. Eugene J. Carragee, M.D., on October 10, 2017 at 9:00 a.m., at the Robert T. Matsui United
21 States Courthouse, 501 I Street, Federal Occupational Health Facility, Suite 7-300, Sacramento,
22 California. Dr. Carragee is an orthopedic surgeon. There shall be no diagnostic test or procedure that is
23 painful, protracted or intrusive. Dr. Carragee has reviewed Plaintiff's deposition. Plaintiff will not be
24 asked to fill out medical questionnaire forms and will not be interviewed concerning the circumstances
25 of the incident or her communications with percipient witnesses. Pursuant to Federal Rule of Civil
26 Procedure 35(b), Plaintiff requests a copy of the examiner's report, together with like reports of all
27 examinations of the same condition. Plaintiff's husband, David Munshower, will be permitted to be
28 present in the examination room during the examination. David Munshower will not in any way

1 obstruct or interfere with the examination. The examination will not be audiotaped, videotaped, or
2 recorded.

3 Respectfully submitted,

4 DATED: October 4, 2017

PHILLIP A. TALBERT
United States Attorney

/s/ Bobbie J. Montoya

BOBBIE J. MONTOYA
Assistant United States Attorney

9 DATED: October 4, 2017

MASTRANGELO LAW OFFICES


/s/ Nicholas J. Mastrangelo
[authorized by 10/2/17 email]

NICHOLAS J. MASTRANGELO
Attorney for Plaintiff Judy Munshower

16 **[PROPOSED] ORDER**

18 IT IS SO ORDERED.

20 DATED: October 4, 2017



UNITED STATES MAGISTRATE JUDGE