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8 Attorneys for Defendants
9 SWD TRANSPORT LLC and
10 ESTATE OF MARK WAYNE DARRAH

11 UNITED STATES DISTRICT COURT
12
13 NORTHERN DISTRICT OF CALIFORNIA

14 CAROLYN BRYAN AND DAVID CLARK,

15 Plaintiffs,

16 v.

17 MARK WAYNE DARRAH, SWD TRANSPORT
18 LLC, and DOES 1 to 10, inclusive,


19 Defendants.

Case No.: C-08-03480 EMC

STIPULATION AND ORDER FOR
INDEPENDENT MEDICAL EXAMINATION
OF PLAINTIFF CAROLYN BRYAN

Federal Rule Civil Procedure 35

20 THE PARTIES BY AND THROUGH THEIR RESPECTIVE COUNSEL OF RECORD hereby
21 agree and stipulate pursuant to Rule 35 of Federal Rules of Civil Procedure, defendant may have
22 plaintiff physically examined pursuant to the following conditions:

23 The examination will be conducted on ~~April 6, 2009 at 1:00 p.m.~~ ^{April 1, 2009 at 10:00 a.m.}  the Offices of Newton Medical
24 Group located at 180 Grand Avenue #100, Oakland, CA 94612.

25 The examination will be conducted by Dr. Jim Anderson, M.D. a licensed physician within the
26 State of California.

27 The scope of the examination shall include the taking of a history, a physical examination,
28 including range of motion testing, both passive and active, and the performance of functional tests,
including turning, walking, bending, and stooping. The examination may also include other evaluation
techniques but shall not include any invasive methods or other diagnostic methods such as x-rays or

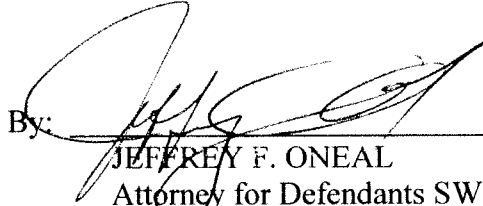
1 similar tools.

2 Dr. Anderson will prepare a written report concerning his examination, findings, diagnosis,
3 conclusions and results which shall be delivered to counsel for all parties upon completion.

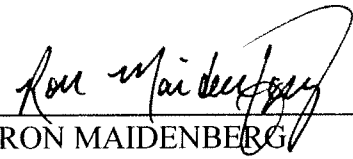
4 Plaintiff is not required pursuant to Rule 35(b)(3) to deliver to defense counsel a similar report
5 which are otherwise privileged until such time an expert witness disclosure pursuant to Rule 26(a)(2).

6 IT IS SO STIPULATED.

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9 Dated: 3/17/09, 2009

By: 
JEFFREY F. ONEAL
Attorney for Defendants SWD TRANSPORT LLC
and ESTATE OF MARK WAYNE DARRAH

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13 Dated: 3/26, 2009

By: 
RON MAIDENBERG
Attorney for Plaintiffs
CAROLYN BRYAN & DAVID CLARK

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17 IT IS SO ORDERED.

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20 Dated: April 2, 2009

