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10 Attorneys for Defendant, Cross-Claimant,  
 11 Third-Party Complainant, Miles Industries, Ltd.

12 UNITED STATES DISTRICT COURT  
 13 NORTHERN DISTRICT OF CALIFORNIA  
 14 (SAN FRANCISCO DIVISION)

15	MELISSA PANICO, individually, and as mother and next friend of SIGNE WHELAN and OSCAR WHELAN,	)	NO. 3:11-CV-02378-EDL
16		)	3:11-CV-02146-EDL (related case)
17	Plaintiffs	)	
18	v.	)	<b>STIPULATION AND ORDER FOR</b>
19	BDR THERMEA, BAXI GROUP, and MILES INDUSTRIES, LTD.,	)	<b>APPEARANCE AT MENTAL</b>
20	Defendants	)	<b>EXAMINATION</b>
21	_____	)	<b>[FRCP 35]</b>
22	AND RELATED ACTIONS	)	
23	_____	)	
24		)	

25 Pursuant to Federal Rules of Civil Procedure, Rule 35, it is hereby stipulated by and between  
 26 the parties hereto, by and through their respective counsel, as follows:

27 1. Plaintiff MELISSA PANICO has placed her mental condition at issue, seeking  
 28 damages related to severe emotional distress and post traumatic stress that she alleges in her  
 29 complaint.

30 2. Defendant has requested that the plaintiff MELISSA PANICO appear for a mental  
 31 examination on August 29, 2012, at 10:00 a.m., at Howden & Associates, 3500 Lakeside Court,  
 32 Suite 205, Reno, Nevada 89509, (775) 826-8833, for a mental examination by Dean C. Delis, Ph.D.,  
 33 a licensed psychologist anticipated to be six hours in duration with a one hour lunch break that will  
 34 include a clinical interview (approximately 2.5 hours), administration of the Minnesota Multiphasic

STIPULATION AND ORDER FOR APPEARANCE AT MENTAL EXAMINATION [FRCP 35]

1 Personality Inventory - (approximately 1.5 hours) and the Detailed Assessment of Post Traumatic  
2 Stress (DAPS) (approximately 1 hour).

3 3. Plaintiff MELISSA PANICO has agreed to appear for the examination at the  
4 designated date, time and location to be specified.

5 4. Following the examination, defendant will provide plaintiff with a report consistent  
6 with the requirements of Federal Rules of Civil Procedure, Rule 35.

7 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.  
8

9 ARNOLD LAW FIRM

10 DATED: August 10, 2012

11 BY: /s/ KIRK J. WOLDEN  
12 CLAYEO C. ARNOLD  
13 CLIFFORD L. CARTER  
14 KIRK J. WOLDEN  
15 Attorneys for Plaintiffs, MELISSA PANICO  
16 individually, and as mother and next friend of  
17 SIGNE WHELAN and OSCAR WHELAN and  
18 Third Party Defendant SEAN WHELAN

19 CORY, WATSON, CROWDER & DEGARIS, P.C.

20 DATED: August 10, 2012

21 BY: /s/ F. JEROME TAPLEY  
22 ERNEST CORY  
23 F. JEROME TAPLEY  
24 HIRLYE R. RYAN LUTZ, III  
25 Attorneys for Plaintiffs, MELISSA PANICO  
26 individually, and as mother and next friend of  
27 SIGNE WHELAN and OSCAR WHELAN

28 JONES & DYER

DATED: August 10, 2012

BY: /s/ KRISTEN K. PRESTON  
GREGORY F. DYER  
KRISTEN K. PRESTON  
Attorney for Defendant, Miles Industries, Ltd.

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**ORDER**

Pursuant to the stipulation, it is so ordered.

Dated: August 15, 2012

  
ELIZABETH D. LAPORTE  
UNITED STATES MAGISTRATE JUDGE