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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 )	NO. 3:11-CV-11-02378- EDL
16	next friend of, SIGNE WHELAN and OSCAR )	3:11-CV-11-02146-EDL (related case)
17	WHELAN, )	
18		
19	Plaintiffs, )	
20	vs. )	<b>STIPULATION AND ORDER</b>
21		<b>VACATING DEFENDANT’S MOTION</b>
22	BDR THERMEA, BAXI GROUP, and MILES )	<b>FOR ORDER FOR MENTAL</b>
23	INDUSTRIES, LTD. )	<b>EXAMINATION (DOCKET 64)</b>
24		
25	Defendants. )	
26	_____ )	
27	AND RELATED ACTIONS )	
28	_____ )	

19 A stipulation with proposed order for mental examination was filed on August 13, 2012.  
 20 (Docket No. 74.) On August 15, 2012, the court issued an order for mental examination. (Docket  
 21 No. 75.) This order resolves the dispute between the parties giving rise to defendant’s motion for  
 22 order for mental examination filed on July 27, 2012. (Docket No. 64.)

23 On the basis of the deposition testimony of Simone Rodin, Ph.D., that was given on August 8,  
 24 2012, plaintiff Melissa Panico by and through her attorneys of record withdrew her prior objection  
 25 and stipulated to an order for mental examination. That order was issued by the court on August 15,  
 26 2012. (See Docket No. 75).

27 Plaintiff Melissa Panico has expressed her concerns that the scope of the examination be  
 28 limited to facts or information reasonably necessary to allow Dean C. Delis, Ph.D., to perform his  
 STIPULATION & ORDER VACATING DEFENDANT'S MOTION FOR ORDER FOR MENTAL EXAMINATION

1 clinical evaluation of plaintiff's emotional distress and post traumatic stress for which she claims  
2 damages and plaintiff reserves her right to raise objections to the report, opinions or testimony on  
3 that basis.

4 The motion is hereby vacated and the parties agreement is memorialized in this Stipulation.  
5 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

6 ARNOLD LAW FIRM  
7 DATED: August 15, 2012 BY: /s/ KIRK J. WOLDEN  
8 CLAYEO C. ARNOLD  
9 CLIFFORD L. CARTER  
10 KIRK J. WOLDEN  
11 Attorneys for Plaintiffs, MELISSA PANICO  
12 individually, and as mother and next friend of  
13 SIGNE WHELAN and OSCAR WHELAN and  
14 Third Party Defendant SEAN WHELAN

12 CORY, WATSON, CROWDER & DEGARIS, P.C.  
13 DATED: August 15, 2012 BY: /s/ F. JEROME TAPLEY  
14 ERNEST CORY  
15 F. JEROME TAPLEY  
16 HIRLYE R. RYAN LUTZ, III  
17 Attorneys for Plaintiffs, MELISSA PANICO  
18 individually, and as mother and next friend of  
19 SIGNE WHELAN and OSCAR WHELAN

17 DATED: August 15, 2012 JONES & DYER  
18 BY: /s/ KRISTEN K. PRESTON  
19 GREGORY F. DYER  
20 KRISTEN K. PRESTON  
21 MATTHEW J. SCHLEIFFARTH  
22 Attorneys for Defendant, Cross-Claimant,  
23 Third-Party Complainant, Miles Industries, Ltd.

23 **ORDER**

24 Pursuant to the stipulation of the parties, it is so ordered.

25 Dated: August 21, 2012

26   
27 ELIZABETH D. LAPORTE  
28 UNITED STATES MAGISTRATE JUDGE

STIPULATION & ORDER VACATING DEFENDANT'S MOTION FOR ORDER FOR MENTAL EXAMINATION

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STIPULATION & ORDER VACATING DEFENDANT'S MOTION FOR ORDER FOR MENTAL EXAMINATION

CASE NO. 3:11-CV-02378-EDL (3:11-CV-02146-EDL (related case))