

1 DENNIS J. HERRERA, State Bar #139669  
 City Attorney  
 2 CHERYL ADAMS, State Bar #164194  
 Chief Trial Deputy  
 3 BRADLEY A. RUSSI, State Bar #256993  
 Deputy City Attorney  
 4 Fox Plaza  
 1390 Market Street, Sixth Floor  
 5 San Francisco, California 94102-5408  
 Telephone: (415) 554-3964  
 6 Facsimile: (415) 554-3837  
 E-Mail: brad.russi@sfgov.org  
 7

8 Attorneys for Defendants  
 CITY AND COUNTY OF SAN FRANCISCO, et al.  
 9

10  
 11 UNITED STATES DISTRICT COURT  
 12 NORTHERN DISTRICT OF CALIFORNIA

13 JAMESON ASHLEY,

14 Plaintiff,

15 vs.

16 CITY AND COUNTY OF SAN  
 FRANCISCO, MICHAEL HENNESSEY,  
 17 individually and in his official capacity as  
 Sheriff of the San Francisco County Sheriff's  
 18 Department; and DOES 1 to 30,

19 Defendants.  
 20  
 21  
 22  
 23  
 24  
 25  
 26  
 27  
 28

Case No. CV-12-0045 JSW

**STIPULATION REGARDING INDEPENDENT  
 MENTAL EXAMINATION OF PLAINTIFF;  
 [PROPOSED] ORDER**

Trial Date: April 29, 2013

1 The parties stipulate as follows:

2 1. On December 13, 2012, the parties submitted a joint letter regarding a discovery  
3 dispute over the terms of Defendants' proposed independent mental examination of Plaintiff. (Dkt.  
4 62). That dispute was referred to Magistrate Judge Westmore. Judge Westmore requested that the  
5 parties submit supporting declarations on January 28, 2013. (Dkt. 67).

6 2. Plaintiff submitted a declaration from Dr. Michael Wilkes, who stated that due to a  
7 recent change in Plaintiff's condition, it is not medically advisable for Plaintiff to undergo an IME at  
8 this time, and that it could be harmful to him. (Dkt. 68).

9 3. As a result of this changed circumstance, the parties agree that no determination should  
10 be made on the terms of Defendants' proposed IME at this time.

11 4. The parties agree that Judge Westmore should retain jurisdiction of this dispute, and  
12 that the parties will file a joint letter updating the court on the status of the dispute within sixty days of  
13 the date of the attached order.

14 5. The parties agree to submit a separate request to continue the outstanding deadlines in  
15 this case in order to accommodate the pending issue of the IME of Plaintiff.

16 Dated: February 7, 2013

17 DENNIS J. HERRERA  
18 City Attorney  
19 CHERYL ADAMS  
20 Chief Trial Attorney  
21 BRADLEY A. RUSSI  
22 Deputy City Attorney

21 By: /s/ Bradley A. Russi  
22 BRADLEY A. RUSSI  
23 Attorneys for Defendants  
24 CITY AND COUNTY OF SAN FRANCISCO, et al.

24 Dated: February 7, 2013

25 SIMS, CURRAN & OCKEN

25 By: /s/ Stuart Curran\*  
26 STUART CURRAN  
27 Attorney for Plaintiff JAMESON ASHLEY

27 \* Pursuant to General Order 45, § X.B., the filer of this document attests that he has received the  
28 concurrence of this signatory to file this document.

~~[PROPOSED]~~ ORDER

Pursuant to the above stipulation, within sixty days of the date of this order, the parties are ordered to file a joint letter updating the court as to the status of the discovery dispute regarding Defendants' proposed independent mental examination of Plaintiff.

Dated: 2/7/2013 \_\_\_\_\_

  
HONORABLE KANDIS A. WESTMORE  
United States Magistrate Judge

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