

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

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JAMESON ASHLEY,
Plaintiff,

v.

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

Case No.: CV-12-00045-JST (KAW)

ORDER TO FURTHER MEET AND
CONFER RE: DISPUTES IN 12/13/2012
DISCOVERY LETTER

Before the Court is a joint discovery letter filed on December 13, 2012. (Dkt. No. 62). On February 7, 2013, the parties requested that the Court wait to resolve the Rule 35 independent mental examination (IME) issue for sixty days, because Plaintiff Jameson Ashley was involuntarily committed to Langley Porter Psychiatric Hospital from January 20-31. (Dkt. No. 79.) On April 8, 2013, the parties submitted an update on Plaintiff's status, in which Plaintiff's counsel represented that Plaintiff's psychological condition has shown some improvement, and that he is now able to participate in an IME. *Id.*

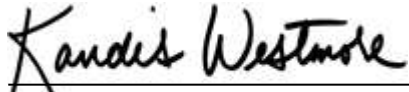
According to the original joint letter, the parties disagreed as to the length and scope of the examination, the presence of a third party during the examination, and whether the examination may be tape recorded. (*See* Dkt. No. 62.) Since the April 8 joint letter did not contain any substantive information regarding the parties' continued meet and confer efforts in light of Plaintiff's current mental condition, the Court orders the parties to further meet and confer. Should the parties be unable to resolve these issues informally, they shall submit a joint letter along with current declarations from their respective psychological experts and/or treating

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

physicians attesting to the facts presented in the new joint letter. As the close of discovery is quickly approaching, the joint letter, if necessary, shall be submitted on or before April 19, 2013.

No further briefing is required at this time, and the Court strongly encourages the parties to agree to the parameters of the IME without court intervention. If the parties are unable to do so, upon receipt of the new joint letter and declarations, the Court will issue an order regarding the parameters of the IME.

Dated: April 10, 2013


KANDIS A. WESTMORE
United States Magistrate Judge