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14	IN THE UNITED STATES DISTRICT COURT		
15	FOR THE NORTHERN DISTRICT OF CALIFORNIA		
16	SAN FRANCISCO DIVISION		
17			
18			
19	MICHELE-LAEL NORSWORTHY,	C 14-00695 JST (PR)	
20	Plaintiff,	STIPULATION AND [PROPOSED] ORDER FOR RULE 35 INDEPENDENT	
21	v.	MEDICAL EXAMINATION OF PLAINTIFF	
22	JEFFREY BEARD, et al.,	Judge: The Honorable Jon S. Tigar	
23	Defendants.	Trial Date: None set Action Filed: February 14, 2014	
24			
25	The Parties, having met and conferred, stipulate to the independent medical examination of		
26	Plaintiff Michelle-Lael Norsworthy per Rule 35 of the Federal Rules of Civil Procedure. The		
27	examination is to take place on Wednesday, January 28, 2015, at Mule Creek State Prison, at a		
28	mutually convenient time to be determined by the Parties and Mule Creek State Prison, by		
	1		
20		•	

1	defendants' proposed expert witness, Dr. Stephen B. Levine, M.D. The independent medical		
2	examination will include a 2-3 hour clinical interview of Plaintiff regarding her gender identity		
3	dysphoria and her desire for sex-reassignment surgery and may include the Minnesota		
4	Multiphasic Personality Inventory (MMPI) and the Wechsler Adult Intelligence Scale (WAIS).		
5	Plaintiff takes no position at this time with regard to whether Dr. Levine is a "suitably		
6	licensed or certified" examiner under Rule 35 and the Parties agree that Plaintiff, by entering this		
7	stipulation, does not waive any right and expressly reserves all rights to challenge Dr. Levine's		
8	qualifications and opinions. Counsel for Plaintiff will be permitted to be present for the initial		
9	introduction of Plaintiff to Dr. Levine and present outside of the examination room but counsel		
10	for Plaintiff shall not be permitted to attend the examination.		
11	Except as expressly noted, the Parties agree that the standard for a Rule 35 examination has		
12	been met. Given this stipulation, Defendants withdraw their Motion for a Mental Examination		
13	(ECF No. 50) as moot.		
14			
15	SO STIPULATED, on January 15, 2015:		
16			
17	/s/ Herman J. Hoying /s/ Edward R. Fluet		
18	HERMAN J. HOYING EDWARD R. FLUET ¹ Attorney for Plaintiff Deputy Attorney General		
19	Michelle-Lael Norsworthy Defendants J. Beard, M. Spearman,		
20	R. Coffin, J. Lozano, A. Adams, A. Newton, D. Van Leer, and L. Zamora		
21	PURSUANT TO STIPULATION, IT IS SO ORDERED.		
22			
23	January 16, 2015		
24	Dated Hon. Jon S. Tigar		
25	United States District Judge		
26			
27	Under Northern District General Order 45, subsection X.B. Defendant's counsel attests. 1 Under Northern District General Order 45, subsection X.B. Defendant's counsel attests.		

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¹ Under Northern District General Order 45, subsection X.B., Defendant's counsel attests that Plaintiff's counsel's gave him permission to electronically sign this Stipulation on his behalf.