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9 Attorneys for Plaintiffs
10 Gloria Young and
Margaret Cephass-Gross
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12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14

15 Gloria Young; Margaret Cephass Gross,)
16 Plaintiffs,)

17 vs.)

18 Holland America Line, N.V., a foreign)
19 corporation; Carnival Corporation, dba)
20 Carnival Cruise Lines, a foreign corporation;)
CWC, Inc., dba Costco Travel, a)
21 Washington corporation; and DOES 1-10,)
22 Defendants)

CASE NO.: 3:16-CV-04820-JST

STIPULATION AND ~~PROPOSED~~
ORDER FOR A FRCP RULE 35
PSYCHOLOGICAL EXAMINATION
OF PLAINTIFF YOUNG AND
PLAINTIFF CEPHAS-GROSS

23 Plaintiffs, GLORIA YOUNG and MARGARET CEPHAS-GROSS, and Defendants,
24 HOLLAND AMERICA LINE, N.V., CARNIVAL CRUISE LINES, and COSTCO TRAVEL by
25 and through their respective counsel, hereby stipulate as follows:

26 1. Plaintiff Gloria Young and Plaintiff Margaret Cephass-Gross (collectively,
27 "Plaintiffs") each seek compensation for mental injuries allegedly sustained while they were
28 passengers aboard the cruise ship MS EURODAM.

1 2. The parties agree that Plaintiffs' mental conditions are in dispute. The parties
2 further agree that Plaintiffs will each submit to an FRCP Rule 35 medical examination of the
3 mental injuries they each claim in this case on the terms set forth below.

4 3. The medical examination of each Plaintiff's mental condition will be performed
5 by Dr. Ronald Roberts, a board-certified forensic psychologist, and by such assistants and
6 colleagues as Dr. Roberts may call upon to assist and advise during the examinations.

7 4. Dr. Roberts' examination of Plaintiff Young will take place on May 22, 2017 at
8 2000 Van Ness Ave., Suite 512, San Francisco, CA 94109, Tel. (415) 776-2000. The
9 examination will begin at 8:30 a.m. and end no later than 5:30 p.m., with one (1) hour break for
10 lunch and other breaks as needed.

11 5. Dr. Roberts' examination of Plaintiff Cephas-Gross will take place on May 25,
12 2017 at 2000 Van Ness Ave., Suite 512, San Francisco, CA 94109, Tel. (415) 776-2000. The
13 examination will begin at 8:30 a.m. and end no later than 5:30 p.m., with one (1) hour break for
14 lunch and other breaks as needed.

15 6. Each Plaintiff will arrive at Dr. Roberts' examination 15 minutes before the
16 appointment time. If either Plaintiff is unable to attend the examination for any reason,
17 Plaintiffs' counsel shall immediately notify counsel for Defendants, and Plaintiffs will be
18 responsible for any cancellation fees charged by Dr. Roberts for failure to comply with his
19 cancellation policy.

20 7. Dr. Roberts' examination of each Plaintiff will consist of an oral medical history
21 and background interview, a review of pertinent medical records, standard psychological testing
22 under MMPI-2, and such other tests or studies as may be deemed appropriate by Dr. Roberts.
23 Plaintiffs will cooperate with Dr. Roberts during the examination, including responding fully and
24 honestly to appropriate questions. The scope of the examinations will be to determine the nature,
25 cause, extent of, and prognosis for, the mental injuries each Plaintiff allegedly sustained while
26 passengers aboard the cruise ship MS EURODAM.

1 8. Plaintiffs' counsel will be permitted to accompany each Plaintiff to Dr. Roberts'
2 examination, but counsel will not be present in the examination room.

3 9. Plaintiffs will not video or audio record any portion of the examination. If Dr.
4 Roberts video or audio records any portion of the examination, Dr. Roberts will provide counsel
5 for the Defendants with a copy of the video or audio recording upon the conclusion of the
6 examination. Counsel for the Defendants will promptly provide Plaintiffs' counsel with any
7 video or audio recording of the examination received from Dr. Roberts.

8 10. The parties agree that this Stipulation constitutes a request by each Plaintiff for a
9 copy of Dr. Roberts' written report detailing his findings, diagnoses, conclusions, and test results.
10 Upon receipt of Dr. Roberts' aforementioned reports, counsel for Defendants will promptly
11 deliver the reports to Plaintiffs' counsel via email and U.S. mail.

12 11. The parties agree that each physical examination will be subject to the parties'
13 Stipulated Protective Order for Standard Litigation [docket no. 60.] Defendants will provide Dr.
14 Roberts with a copy of the Stipulated Protective Order for Standard Litigation and obtain Dr.
15 Roberts' signed Acknowledgment of the Protective Order either before the examination or at the
16 examination before the commencement of the examination. The parties further designate Dr.
17 Roberts' report and all medical records reviewed by Dr. Roberts as confidential pursuant to the
18 terms of the Stipulated Protective Order for Standard Litigation.

19 12. Defendants will provide Dr. Roberts with a copy of this Stipulation.

20 13. The parties agree Dr. Roberts will retain until November 3, 2017, all test results
21 and raw data collected during any test conducted by Dr. Roberts, as well as any notes, memos or
22 completed forms regarding the examination made during or after the exams, including any
23 written observations or information obtained by Dr. Roberts during the examination.


24 14. The parties agree to comply with the terms of this Stipulation in the event the
25 Court has not issued the requested stipulated order before the date of Dr. Roberts' examinations
26 of Plaintiffs.

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IT IS SO STIPULATED.


Date: May 18, 2017

LAW OFFICE OF JOHN SCARPINO

By: 
John Scarpino
Attorney for Plaintiffs
GLORIA YOUNG and
MARGARET CEPHAS-GROSS

Date: 5/18, 2017

FLYNN, DELICH & WISE

By: 
Lisa Conner
Attorney for Defendants
HOLLAND AMERICA LINE, N.V.,
COSTCO WHOLESALE
CORPORATION and CARNIVAL
CORPORATION

ORDER

IT IS SO ORDERED.

Date: May 19, 2017


Hon. John S. Tigar
United States District Judge