

1 **LEWIS BRISBOIS BISGAARD & SMITH LLP**

CHRISTOPHER J. NEVIS, SB# 162812

2 Email: nevis@lbbslaw.com

NORA M. NACHTSHEIM, SB# 221618

3 Email: nachtsheim@lbbslaw.com

BEAU R. BURBIDGE, SB# 267267

4 Email: burbidge@lbbslaw.com

One Sansome Street, Suite 1400

5 San Francisco, California 94104

Telephone: (415) 362-2580

6 Facsimile: (415) 434-0882

7 Attorneys for Defendant NORTH WEST HANDLING SYSTEMS, INC.

8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

11 FRANK SCHAFFNER,

12 Plaintiff,

13 v.

14 CROWN EQUIPMENT CORPORATION dba
15 CROWN LIFT TRUCKS; NORTH WEST
HANDLING SYSTEMS, INC.,

16 Defendant.

CASE NO. 4:09-CV00284 SBA

**[PROPOSED] ORDER COMPELLING
THE PHYSICAL EXAMINATION OF
PLAINTIFF**

Date: November 23, 2011

Time: 11:00 a.m.

Dept.: Courtroom G – 15th Floor

Judge: Honorable Joseph C. Spero

17
18 Defendant NORTH WEST HANDLING SYSTEMS, INC.'S ("NWHs") Motion for an
19 Order Compelling Plaintiff FRANK SCHAFFNER ("Plaintiff") to appear for and submit to a
20 physical examination by Dr. John O. Missirian, M.D., ~~came on for hearing on November 23, 2011,~~
21 ~~in Courtroom G – 15th Floor of the above-captioned Court.~~ Having reviewed and considered the
22 documents submitted in support of ~~and in opposition to~~ the motion, ~~the Court's records, and the~~
23 ~~arguments of counsel and good cause appearing therefore,~~ **IT IS HEREBY ORDERED THAT:**

24 1. NWHs' motion for an order compelling Plaintiff to appear for and submit to a
25 physical examination by Dr. John O. Missirian, M.D., is granted.

26 2. Dr. Missirian will perform a non-invasive physical examination of Plaintiff. This
27 examination will consist of a medical, social and family history from Plaintiff; performing non-
28 painful, non-protracted, non-intrusive tests; performing a medical exam, if deemed necessary;

1 taking x-rays or an MRI, if deemed necessary; and reviewing records to render a proper diagnosis,
2 prognosis, and medical conclusion.

3 3. The examination will take place on November 30, 2011 at 1:45 p.m. [~~or~~
4 alternatively on _____, 2011 at _____ a.m./p.m.] in Dr. Missirian's office, located
5 at 1800 Sullivan Avenue, Suite 402, Daly City, California 94015.

6 4. Dr. Missirian shall provide his report on the examination to both Plaintiff and
7 NWHS within 10 days following the exam.

8 5. Counsel for Plaintiff may attend Dr. Missirian's examination.

9 6. If for any reason Plaintiff is unable to make the appointment as scheduled, a \$450
10 cancellation/no show fee will be borne by Plaintiff.

11 **IT IS SO ORDERED.**

12
13 Dated: Nov. 22, 2011

