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9 Attorneys for Defendants  
 GLOBAL WINE COMPANY and JOHN DAVIS

10 UNITED STATES DISTRICT COURT  
 11 NORTHERN DISTRICT OF CALIFORNIA

13	KIMBERLEY ROSS,	)	Case No.: 09-CV-06107-CW
		)	
14	Plaintiff,	)	<b>STIPULATION RE: MENTAL</b>
		)	<b>EXAMINATION; ORDER</b>
15	vs.	)	
		)	Case Filed: December 31, 2009
16	GLOBAL WINE COMPANY and JOHN	)	
	DAVIS,	)	
17		)	
	Defendants.	)	
18		)	

19  
 20 The parties stipulate to the following:

21 A. Plaintiff will submit to a Comprehensive Psychiatric Examination (IME) by Bernard  
 22 S. Rappaport, M.D. The examination will be limited to an evaluation of plaintiff's claimed  
 23 emotional distress. The examination will consist of two parts:

- 24 1) An oral examination, including:
  - 25 i. taking a complete history (Family History, Educational History,
  - 26 Social History, Past Medical History, Past Psychological/Psychiatric
  - 27 History, Employment, Legal History, the Incident, Subsequent
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Clinical Course and Psychological/Psychiatric Treatment); and

ii. an oral mental status examination (specific questions to assess mental functioning, mood, affect, capacity for abstraction, judgment, etc.).

2) The administration of three psychological test instruments:

- i. The MMPI-2 (Minnesota Multiphasic Personality Inventory – 2);
- ii. The MCMI-III (Millon Clinical Multiaxial Inventory – III); and
- iii. The Rotter Incomplete Sentences Blank.

B. The examination will not include findings regarding physical injuries, credibility, truthfulness, perceptual acumen, personality disorders, or opinions as to the underlying facts.

C. The medical report and protocols will be provided to plaintiff’s counsel within 30 days of the examination.

The estimated time for the Comprehensive Psychiatric Examination (IME) is 4-6 hours: 2-3 hours for the oral examination, and 2-3 hours for the psychological testing – depending on the examinee’s pace.

No one other than the examinee is entitled to be present during the examination (per C.C.P. 2032.530(b), as well as *Edwards v. Superior Court* (1976) 16 Cal. 3d 905, 911-912 and *Vinson v. Superior Court* (1987) 43 Cal. 3d 833, 845-846). Plaintiff will tape record the examination.

Dated: March \_\_, 2011

**MANNING & KASS  
ELLROD, RAMIREZ TRESTER LLP**

By: \_\_\_\_\_  
Madonna A. Herman

Attorneys for Defendant,  
GLOBAL WINE COMPANY and JOHN  
DAVIS

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Dated: March \_\_, 2011  
**ROGERS**

**LAW OFFICES OF RICHARD M.**

By: \_\_\_\_\_  
Richard M. Rogers

Attorneys for Plaintiff,  
KIMBERLEY ROSS

IT IS SO ORDERED.

Date: March 14, 2011

  
\_\_\_\_\_  
United States District Judge

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**CERTIFICATE OF SERVICE**

**STATE OF CALIFORNIA, COUNTY OF SAN FRANCISCO**

I am employed in the County of San Francisco, State of California. I am over the age of 18 and not a party to the within action; my business address is One California Street, Suite 1100, San Francisco, CA 94111.

On the date set forth below, I served the document described as **STIPULATION RE: MENTAL EXAMINATION** on the interested parties in this action by placing true copies thereof enclosed in sealed envelopes addressed as follows:

***SEE ATTACHED SERVICE LIST***

**X(BY MAIL)** I caused such envelope to be deposited in the mail at San Francisco, California. The envelope was mailed with postage thereon fully prepaid.

I placed such envelope with postage thereon prepaid in the United States mail at San Francisco, California.

I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. postal service on that same day with postage thereon fully prepaid at San Francisco, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

**(BY OVERNIGHT COURIER):** I placed the above-referenced document(s) in (an) envelope(s) designated by the express service carrier (UPS) for overnight delivery, addressed as indicated above. I delivered said UPS envelope to the personnel of our mail room. I am "readily familiar" with the firm's practice of collecting and processing documents intended for UPS overnight delivery. Under that practice, after the document is delivered to the firm's mail room, it is deposited that same day, with delivery fees provided for, in a box or other facility regularly maintained by the express service carrier or is delivered to an authorized courier or driver authorized by the express service carrier to receive documents, for overnight delivery.

**(BY FACSIMILE)** I telecopied such document to the offices of the addressee at the following fax number: .

**(BY PERSONAL SERVICE)** I delivered such envelope by hand to the offices of the addressee.

**(STATE)** I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

**X(FEDERAL)** I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on March \_\_, 2011 at San Francisco, California.

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Jorie Pratt

## **SERVICE LIST**

*Kimberly Ross v. Global Wine Company, et al.*

United States District Court - Northern District of California No. CV09-06107 CW

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