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 23 FLUOR CORPORATION and
 24 FLUOR MAINTENANCE SERVICES, INC.

25 **UNITED STATES DISTRICT COURT**
 26 **NORTHERN DISTRICT OF CALIFORNIA**

27 TIMOTHY RAY RICHARDSON

28 Plaintiff,

v.

FLUOR CORPORATION; FLUOR
 MAINTENANCE SERVICES, INC.; DOES 1
 THROUGH 10, INCLUSIVE,

Defendant.

Case No. CV-13-1908-SBA

**STIPULATION AND ORDER FOR
 MENTAL EXAMINATION OF PLAINTIFF
 TIMOTHY RAY RICHARDSON**

Complaint Filed: April 25, 2013
 Trial Date: October 15, 2014

1 Plaintiff Timothy Ray Richardson and defendants Fluor Corporation ("Fluor") and Fluor
2 Maintenance Services, Inc. ("FMS"), through their respective counsel, agree to a mental
3 examination of plaintiff in accordance with the following terms:

4 1. Plaintiff shall submit to psychological testing by Dr. Ronald Roberts, PhD, a board-
5 certified psychologist at his office located at 2000 Van Ness Ave. Suite 512, San Francisco, CA
6 94109, Tel: 415-776-2000, Fax: 415-776-2001, on April 25, 2014, starting at 8:30 a.m. A true and
7 correct copy of the curriculum vitae for Dr. Ronald Roberts is attached hereto as Exhibit A.

8 2. Plaintiff shall submit to a psychiatric interview by Dr. Mark Levy, M.D.,
9 D.L.F.A.P.A., a board-certified psychiatrist, at Forensic Psychiatric Associates Medical
10 Corporation, 655 Redwood Hwy Suite 271, Mill Valley, CA 94941, Tel: 415-388-8040, Fax: 415-
11 388-1225, on April 28, 2014, at 9:30 a.m. A true and correct copy of the curriculum vitae for Dr.
12 Mark Levy is attached hereto as Exhibit B.

13 3. The psychological testing and psychiatric interview shall be conducted to determine
14 whether plaintiff is suffering, and has suffered from, any mental, emotional, or physical disorders,
15 the diagnosis of any such disorder, and whether such disorder, if any, is attributable to the conduct
16 of Defendants as alleged in the plaintiff's lawsuit against the Defendants.

17 4. Dr. Roberts will administer and score a battery of personality tests of various types
18 and design. The standardized psychological tests that will be administered include the Minnesota
19 Multiphasic Personality Inventory ("M.M.P.I.-2"), the Personality Assessment Inventory and the
20 Rorschach Inkblot Test. All the tests will be administered, scored, and interpreted in a
21 standardized fashion. Dr. Roberts shall not administer the Millon Clinical Multiaxial Inventory
22 test. At the beginning of each test, Dr. Roberts will announce the name of the test he is starting.

23 5. For the Rorschach test, Dr. Roberts' notes or raw testing data will indicate the card
24 that was provided to plaintiff.

25 6. During the psychiatric interview, Dr. Levy shall conduct a standard forensic
26 psychiatric interview including questions about current and past psychiatric and psychological
27 symptoms and disorders, typical daily activities, social, familial, medical, psychiatric, substance
28 abuse, educational, vocational, relationship, legal, military, and occupational history. Plaintiff shall

1 answer all proper questions and inquiries submitted to him by Dr. Levy. One of the goals of the
2 evaluation is to determine whether the plaintiff is suffering from and/or has suffered from any
3 mental, emotional, and medical disorder.

4 7. The psychological testing will begin at 8:30 a.m. on April 25, 2014, and will run
5 until 5:30 p.m. The psychiatric interview will begin at 9:30 a.m. on April 28, 2014, and will run
6 until 6:30 p.m. If plaintiff obstructs or interferes with the sessions in some way such that the
7 testing and psychiatric interview cannot be completed with the provided time frames, the sessions
8 will be permitted to last until completed. In addition, in the event that extraordinary circumstances
9 arise and Dr. Roberts or Dr. Levy are not able to complete plaintiff's psychological testing or
10 psychiatric interview in the designated session, the psychological testing and/or psychiatric
11 interview shall be continued at the earliest available appointment date that is mutually convenient
12 to the doctor and to plaintiff.

13 8. During the psychological testing and psychiatric interview, plaintiff will be
14 permitted to take up to a one-hour lunch break and restroom and rest breaks as needed. Plaintiff
15 agrees not to seek input from anyone during any such breaks with respect to how to respond to a
16 test question or other question or inquiry made of him as part of the psychological testing and,
17 psychiatric examination.

18 9. The psychological testing and psychiatric interview shall include both an oral and a
19 written component.

20 10. No drugs shall be administered to plaintiff during the course of either the
21 psychological testing or psychiatric testing.

22 11. Plaintiff shall not be touched by the examining doctor or any other person during the
23 course of either the psychological testing or psychiatric testing.

24 12. The expense of the psychological testing and psychiatric interview shall be borne by
25 defendants. The parties agree that the delivery of any reports shall be governed by Federal Rules
26 of Civil Procedure 26 and 35, as well as the Court's scheduling orders.

27 13. The parties have a dispute regarding the timing of the delivery of examiners' reports
28 under Rules 35 and 26, and the Court's scheduling order, as well as regarding the timing of

1 delivery of "raw data." The parties have agreed to submit these disputes to the Honorable Maria-
2 Elena James for resolution and agree to modify the stipulation to incorporate Judge James'
3 decisions on these disputed matters and then submit the Stipulation as thus modified to the Court to
4 have the Stipulation made an Order of the Court.

5 14. Dr. Roberts and Dr. Levy shall not inquire into attorney-client communications. Dr.
6 Roberts and Dr. Levy shall not ask the plaintiff about his legal contentions. However, nothing in
7 this stipulation prevents either doctor from asking plaintiff about his experiences at Fluor.

8 15. "Raw data," for the purposes of this stipulation, includes but is not limited to any
9 document which plaintiff writes, signs, or makes markings thereon; any verbal answers provided
10 by plaintiff; and any notes made by the examining psychologist/psychiatrist during the
11 administration of the tests.

12 16. Dr. Levy will make an audio recording of his forensic psychiatric interview
13 examination. No video recording will be made of the psychiatric interview. Plaintiff may be
14 making an audio recording of the psychiatric interview. Defense counsel shall produce to plaintiff
15 a copy of Dr. Levy's recording a reasonable time after it is completed, and plaintiff shall reimburse
16 Dr. Levy for any charges related to the recording.

17 17. Dr. Roberts does not plan on making an audio recording of the psychological
18 testing. Plaintiff may make an audio recording of the psychological testing and in that
19 circumstance, Dr. Roberts will also make an audio recording. Defense counsel shall produce to
20 plaintiff a copy of Dr. Roberts' recording a reasonable time after it is completed, and plaintiff shall
21 reimburse Dr. Roberts for any charges related to the recording.

22 18. Defendants may obtain audio recordings from plaintiff's experts upon request and
23 shall reimburse plaintiff's experts for the actual cost to copy the recording.

24 19. To the extent any medical records have not already been provided by plaintiff or his
25 treating physicians to defendants during the course of discovery in this litigation, plaintiff agrees to
26 sign any release necessary to authorize the release of any records from any treating physicians
27
28

1 and/or expert examiners for the plaintiff that Dr. Levy and/or Dr. Roberts may require in order to
2 prepare their reports in connection with the psychological testing and psychiatric interview.

3 20. In the event that disputes arise as to the scope or length of the psychological testing
4 or psychiatric interview, or the propriety of any question that plaintiff is requested to answer in
5 connection therewith, the parties reserve the right to present such disputes to the Court for
6 resolution.

7 21. The fact that reference is made herein to any particular procedure by which plaintiff
8 is to be examined shall not be construed as any admission by plaintiff that such procedure is a valid
9 and appropriate procedure, or that the purpose for which any such procedure is used shall be an
10 appropriate purpose.
11

12 DATED: April 22, 2014

LAW OFFICES OF KAPLAN & MACLELLAN

13 By: /s/ Douglas Cameron MacLellan
14 Douglas Cameron MacLellan

15 Attorneys for Plaintiff
16 TIMOTHY RAY RICHARDSON

17 DATED: April 22, 2014

OGLETREE, DEAKINS, NASH, SMOAK &
18 STEWART, P.C.

19 By: /s/ Jill Cartwright
20 Thomas M. McInerney
21 Jill V. Cartwright

22 Attorneys for Defendants
23 FLUOR CORPORATION and
24 FLUOR MAINTENANCE SERVICES, INC.

25 **SIGNATURE ATTESTATION**

26 Pursuant to Civil Local Rule 5-1(i)(3), I attest that concurrence in the filing of this
27 document has been obtained from the other signatories.

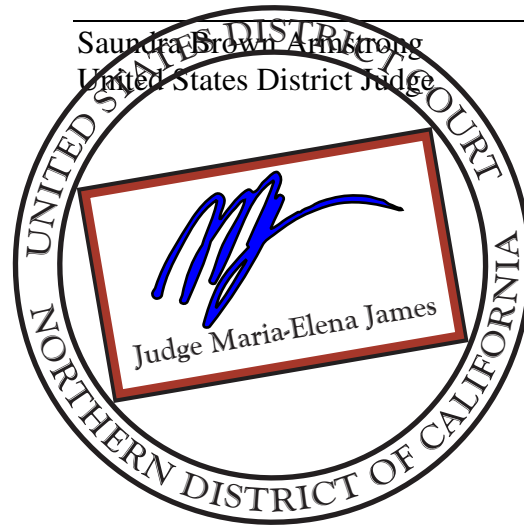
28 DATED: April 22, 2014

By: /s/ Jill V. Cartwright
Jill V. Cartwright

1 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

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3 DATED: May 12, 2014

Saundra Brown Armstrong
United States District Judge



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