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5 Attorneys for Defendant
 6 US AIRWAYS, INC.

7
 8 UNITED STATES DISTRICT
 9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 10 SAN JOSE DIVISION – ECF PROGRAM
 11

12 JEANNE LOVELESS,

13 Plaintiff,

14 v.

15 U.S. AIRWAYS, INC.,

16 Defendants.
 17

CASE NO. C-08-02444 JW
 FINDING AS MOOT
 STIPULATION TO PSYCHIATRIC
 IME; [~~PROPOSED~~] ORDER

18
 19 Pursuant to Rule 35, plaintiff hereby agrees, by and through her counsel, that on **July 9**
 20 **and 10, 2009** she will submit to a psychiatric Independent Medical Examination (IME) with
 21 Bernard S. Rappaport, M.D., 3 Altarinda Road, Suite 207, Orinda, California 94563. The
 22 examination will consist of two parts:

- 23 1) An oral examination to begin at **9:30 a.m.** on **July 9, 2009**, and which will include:
- 24 • taking a complete history (family history, educational history, social history, past
 - 25 medical history, past psychological/psychiatric history, employment history, legal
 - 26 history, history of the incident, subsequent clinical course and
 - 27 psychological/psychiatric treatment)
 - 28 • an oral mental status examination (specific questions to assess mental functioning, mood, affect, capacity for abstraction, judgment, etc.)

Kenney
&
Markowitz
L.L.P.

To: Kymberly Speer From: Aaron Lodge
Case: C-08-02444 JW.

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2) The administration of psychological test instruments, to begin at 9:30 a.m. on July 10, 2009, and which may include one or all the following:

- The MMPI-2 (Minnesota Multiphasic Personality Inventory - 2)
- The MCMI-III (Millon Clinical Multiaxial Inventory - III)
- The Rotter Incomplete Sentences Blank

The estimated time for the IME is 4-6 hours: 2-3 hours for the oral examination on July 9, 2009, and 2-3 hours for the psychological testing (depending on the examinee's pace) on July 10, 2009.

No one other than the examinee is entitled to be present during the examination, nor may the examination be recorded in any manner (e.g., tape recorder, dictaphone, etc.)

SO STIPULATED:

DATED: June 11, 2009

LAW OFFICES OF DEMARTINI & LODGE

By: A. Lodge
AARON LODGE, ESQ.
Attorneys for Plaintiff

DATED: June 9, 2009

KENNEY & MARKOWITZ L.L.P

By: _____
KYMBERLY E. SPEER
ELIZABETH D. RHODES
Attorneys for Defendant
US AIRWAYS, INC.

Kenney & Markowitz L.L.P.

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SO STIPULATED:

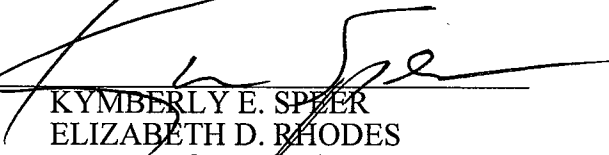
DATED: June __, 2009

LAW OFFICES OF DEMARTINI & LODGE

By: _____
AARON LODGE, ESQ.
Attorneys for Plaintiff

DATED: June 12, 2009

KENNEY & MARKOWITZ L.L.P

By: 
KYMBERLY E. SPEER
ELIZABETH D. RHODES
Attorneys for Defendant
US AIRWAYS, INC.

**Kenney
&
Markowitz
L.L.P.**

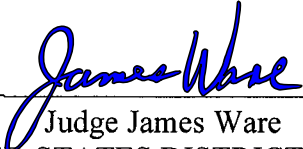
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ORDER

So ordered.

The Stipulation is found as moot. The deadlines have since passed. The parties may file a renewed stipulation if needed.

Date: August 4, 2009



Judge James Ware
UNITED STATES DISTRICT COURT

Kenny
&
Markowitz
L.L.P.