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COUNTY OF SANTA CLARA, SANTA CLARA COUNTY SHERIFF'S DEPARTMENT, DEPUTY ENG, DEPUTY ANDERSON AND DEPUTY ROGERS

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
(SAN JOSE)

NICK MASTERS, Plaintiff, v. COUNTY OF SANTA CLARA, et al., Defendants.	No. 0802473 PVT **STIPULATION AND [XXXXXXXXXX] ORDER FOR PHYSICAL EXAMINATION**

IT IS HEREBY STIPULATED BY AND BETWEEN THE PARTIES THAT:

An ORDER be entered allowing for and requiring plaintiff Nick Masters to undergo a physical examination on **September 28, 2009** at **3:00 p.m.** at the offices of Paul J. Mills, M.D., located at 1101 Welch Road, #C8, in Palo Alto, CA 94304. Dr. Mills is a Board certified orthopedic surgeon. It is expected that the musculoskeletal examination will include simple observation of the individual at rest and with movement, such as routine walking sitting, changing positions and so forth. Also examined and documented is the outward appearance of the parts of the body under consideration, as well as the range of motion of the extremities and/or trunk, the visible muscle mass, as well as the palpable tone. Also assessed are reflexes, sensation, strength of muscles on resisted testing, as well as circumferential measurements

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applying a tape measure to extremities. When the examination focuses on joints and the muscles that affect those joints, the assessment could include active range of motion and occasionally passive or assisted range of motion. It is also stipulated and agreed that plaintiff may have an observer present throughout the procedure.

Plaintiff understands and agrees that failure to keep this appointment could result in his being held responsible for any costs or cancellation fees that might result from an unwarranted nonappearance. The Defendant County of Santa Clara agrees to bear all other costs of the examination without prejudice to any right the County might have to seek recovery of said costs should it prevail in this case.

I hereby attest that I have on file the holograph signatures for the signatures indicated by a "conformed" signature (/s/) within this e-filed document.

Dated: September 14, 2009

Respectfully submitted,

MIGUEL MÁRQUEZ
Acting County Counsel

By: /S/
DAVID M. ROLLO
Deputy County Counsel

Attorneys for Defendants
COUNTY OF SANTA CLARA, SANTA CLARA COUNTY SHERIFF'S DEPARTMENT, DEPUTY ENG, DEPUTY ANDERSON AND DEPUTY ROGERS

Dated: September 15, 2009

By: /S/
B. ROBERT ALLARD, Esq.
Attorney for Plaintiff

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: September 28, 2009

Patricia V. Trumbull
HONORABLE PATRICIA V. TRUMBULL
U.S. Magistrate Judge

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