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6 **ATTORNEYS FOR** Defendant
JETBLUE AIRWAYS CORPORATION

7
 8 **UNITED STATES DISTRICT COURT**
 9 **NORTHERN DISTRICT OF CALIFORNIA**
 10 **SAN JOSE DIVISION**

11 PATRICE MORSE,

No. C 09-2036 JW (PVT)

12 Plaintiff,

STIPULATION AND ORDER
 REGARDING EXAMINATION
 BY NEUROPSYCHIATRIST

13 vs.

14 JETBLUE AIRWAYS CORPORATION,
 15 and DOES 1 through 50, inclusive,

16 Defendants.

17 _____ /
 18 IT IS HEREBY STIPULATED, by and between the parties, through their respective counsel,
 19 that plaintiff PATRICE MORSE will appear for and participate in a psychiatric and
 20 neuropsychologic examination and evaluation to be conducted by James R. Missett, M.D. and
 21 William J. Lynch, Ph.D., on April 16, 2010, or on another date to be mutually agreed upon by the
 22 parties. The examination is to begin at 9:00 a.m and is scheduled to last a full day. It will take place
 23 at Dr. Missett's office, located at 1187 University Drive, Menlo Park, California 94025; telephone
 24 (650) 326-5564.

25 Dr. Missett is Board Certified in psychiatry, addiction psychiatry, and forensic psychiatry by
 26 the American Board of Psychiatry and Neurology and Dr. Lynch is Board Certified in Clinical
 27 Neuropsychology. Dr. Missett will perform a psychiatric evaluation of the plaintiff which will
 28 include a mental status examination. Dr. Lynch will perform neuropsychological testing and will
 serve as a psychological consultant to Dr. Missett in the administration of these tests.

 Stipulation Regarding IME

1 The examination will follow a common and accepted format for a standard psychiatry
2 evaluation with psychological tests. It will involve no invasive, dangerous or painful physical
3 procedures. The sole source of pain is usually only that level of distress ordinarily associated with
4 the recall of psychologically and/or emotionally upsetting events and situations in the plaintiff's life.

5 The first part of the examination will be personally conducted by Dr. Missett in his office. It
6 will consist of the following: the taking of the individual's personal and family history; a medical
7 and psychiatric history; an educational and work history; a social, marital, relational, and
8 recreational history, a medication and substance-use history; a legal history; a history of the
9 incident(s) resulting in the claims of psychological and/or emotional injuries and/or distress; a
10 history of the changes over time in the claimant's psychological and/or emotional signs or symptoms
11 since the onset of any psychological or emotional distress reportedly connected with the incident(s);
12 the extent to which any psychological and/or emotional signs or symptoms interfere with the
13 claimant's daily functioning; the history of any such interference over time; the psychological and/or
14 emotional condition of the claimant as of the date of the evaluation; the relationship, if any, between
15 the nature and intensity of any psychological and/or emotional signs or symptoms related to the
16 claimed incident(s); any prior, contemporaneous, or subsequent experience of any psychological
17 and/or emotional predisposing and/or distressing events in the individual's life; the claimant's usual
18 daily schedule as of the time of the evaluation; whether the claimant evidences then-currently a need
19 for psychiatric and/or psychological counseling or psychotropic medication for the alleviation or
20 relief of any psychological or emotional signs or symptoms or any interference in daily functioning
21 that might be connected with the incident(s); and the claimant's prognosis for the future.

22 The first part of the examination will also include the review of the claimant of any written
23 documentation connected with the claimant's report of her psychological and/or emotional injuries
24 or damages and the possible causes thereof. This first part of the examination is expected to last
25 approximately three hours from 9:00 a.m. to noon. These three hours will be punctuated by at least
26 two brief rest breaks.

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1 With respect to the evaluation of the plaintiff's level of intellectual functioning, one or two of
2 the following, most common measures of cognitive and/or intellectual functioning may be
3 administered. These include portions of the Wechsler Adult Intelligence Scale – 3rd edition (WAIS-
4 III), the Wechsler Abbreviated Scale of Intelligence (WASI), the Shipley Institute of Living Scale
5 (SILS), the Kaufman Brief Intelligence Test (KEIT), and the MicroCog Assessment of Cognitive
6 Functioning (M-Cog).

7 In the assessment of the plaintiff's neurocognitive status, portions of as many as four or five
8 of the following, most commonly used neurocognitive measures may be administered. These
9 include: the Halstead-Reitan Neuropsychological Test Battery (HRNTB); the Trail Making Test -
10 Parts A and B (TMT); the Stroop Neuropsychological Screening Test (SNST); the Repeatable
11 Battery for the Assessment of Neuropsychological Status (RBANS); the Neuropsychological
12 Assessment Battery (NAB) that consists of a Screening Module as well as five main modules having
13 to do with measures of attention, language, memory, spatial functions, and executive functions; the
14 Wechsler Memory Scale - 3rd Edition (WMS-III); the Memory Assessment Scales (MAS); the
15 Wisconsin Card Sorting Test (WCST); and the California Verbal Learning Test - II (CVLT-II).

16 With respect to an assessment of emotional functions and the plaintiff's personality, her
17 personality status and attitude towards illness will be examined through the administration of one
18 or two of the following measures: the Minnesota Multiphasic Personality Inventory-II (MMPI-II),
19 the Millon Clinical Multiaxial Inventory-III (MCMII-III), the Millon Behavioral Medicine
20 Diagnostic (MBMD), the Battery for Health Improvement - II CBHI-II), the Personality Assessment
21 Inventory (PAI), and the Symptom Checklist 90 - Revised (SCL-90-R).

22 The persons allowed to be present for this examination will be limited to plaintiff and the
23 examiners. Plaintiff will be allowed to tape record any interview portion of the examinations.

24 This stipulation is deemed to incorporate all of the provisions of Rule 35 of the Federal Rules
25 of Civil Procedure. Defendant will make all documents associated with the examinations, which
26 they receive, available to the plaintiff in a timely manner.

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SO STIPULATED.

Dated: March 31, 2010

LAW OFFICE OF ARKADY ITKIN

/s/ Arkady Itkin

By: _____
Arkady Itkin
Attorneys for Plaintiff
Patrice Morse

Dated: March 31, 2010

CODDINGTON, HICKS & DANFORTH

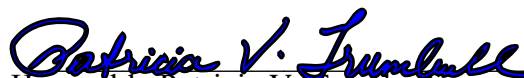
/s/ Richard G. Grotch

By: _____
Richard G. Grotch (*)
Attorneys for Defendant
JetBlue Airways Corporation

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

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: April 5, 2010



Honorable Patricia V. Trumbull
United States Magistrate Judge