

UNITED STATES DISTRICT COURT
DISTRICT OF IDAHO

KEVIN E. MAYS,

Plaintiff,

v.

TODD STOBIE, individually and in his official capacity as police officer; MIKE RIGNEY, individually and in his official capacity as police officer; JODY MUNDELL, individually and in his official capacity as police officer; DONALD BLAIR, individually and in his official capacity as a sergeant of the Nez Perce County Sheriff's Department; JOHN HILDEBRAND, individually and in his official capacity as a sergeant of the Nez Perce County Sheriff's Department; JOE RODRIGUEZ, individually and in his official capacity as a deputy of the Nez Perce County Police Department; DUSTIN HIBBARD, individually and in his official capacity as deputy of the Nez Perce County Sheriff's Department; JOHN DOES I-V, individually and in their official capacity as agents, officials, and/or employees of City of Lewiston Idaho or County of Nez Perce Idaho, COUNTY OF NEZ PERCE IDAHO, a political subdivision of the State of Idaho; CITY OF LEWISTON, IDAHO, a municipality incorporated in the State of Idaho

Defendants.

Case No. CV08-552-EJL-CWD

ORDER

Based upon the Stipulation for Rule 35(a) Physical and Psychological

Examinations of Plaintiff by Dr. Allen Bostwick and Dr. Michael Berg (Docket No. 78),

and good cause appearing therefore;

IT IS HEREBY ORDERED, ADJUDGED and DECREED that:

1. Kevin Eugene Mays (“plaintiff”) shall submit to a psychological examination on **Thursday, July 29, 2010**, by Dr. Allen Bostwick, Ph.D. at 8:30 a.m. The IME will be conducted at the Red Lion Hotel, Potlatch Conference Room, in Lewiston, Idaho.

- a. Plaintiff shall complete and hand-carry to the examination any forms that will be provided to his attorney by Dr. Bostwick.
- b. Plaintiff shall arrive 15 minutes prior to the appointment time.
- c. Dr. Bostwick charges a cancellation fee if the examination is cancelled after July 19, 2010, or if the examinee is late for the examination. Plaintiff agrees that he is on notice that those fees could be incurred.
- d. Per Dr. Bostwick’s established procedures, Plaintiff shall be allowed to be accompanied by a chaperone, who is not his legal representative, during the MMPI testing phase of the examination only, as long as he/she does not interject or comment during the examination or otherwise unreasonably interfere with or obstruct the examination.
- e. Per Dr. Bostwick’s established procedures, Plaintiff shall be allowed to audio or video record the MMPI testing phase of the

examination at his own expense. Plaintiff shall not be allowed to video or audio record the interview portion of the examination.

2. Plaintiff shall submit to an ophthalmological examination on **Friday, August 13, 2010**, by Dr. Michael Berg, at 10:30 a.m. The IME will be conducted at 407 West Riverside, Suite 280, Spokane, Washington.

a. Plaintiff shall complete and hand-carry to the examination any forms that will be provided to his attorney by Dr. Berg.

Plaintiff shall arrive 15 minutes prior to the appointment time.

b. Dr. Berg charges a cancellation fee if the examination is cancelled after August 6, 2010, or if the examinee is late for the examination. Plaintiff agrees that he is on notice that those fees could be incurred.

c. Per Dr. Berg's established procedures, Plaintiff shall be allowed to be accompanied by a chaperone during the entirety of the examination as long as he/she does not interject or comment during the examination or otherwise unreasonably interfere with or obstruct the examination. Due to the fact that the examination is in Spokane, WA, the only person available to act as Mr. Mays' chaperone is Mr. Greg Rauch's intern, Ashley White. The parties therefore stipulate that for this examination only,

Ms. White shall be the chaperone. Reimbursement for mileage at the rate of .50 cents per mile each way will be paid by the above defendants along with the cost of a reasonably priced meal of no more than \$15.00 for both Plaintiff and his chaperone.

- d. Per Dr. Berg's established procedures, Plaintiff shall not be allowed to audio or video record the examination.



DATED: July 28, 2010

A handwritten signature in cursive script, appearing to read "CW Dale".

Honorable Candy W. Dale
Chief United States Magistrate Judge