

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEBRASKA

WESTERN CONTRACTING CORP.,)	
)	
Plaintiff,)	
)	Case No. 4:12-cv-3049-JMG-CRZ
v.)	
)	
COLLEEN BOWEN,)	
)	
Defendant.)	

STIPULATION AND ORDER

The parties hereby stipulate as follows:

1. Creighton University Medical Center (“CUMC”) is in possession of blood and urine samples that it obtained from Colleen Bowen on or about December 8 and 9, 2011 (hereinafter “the blood and urine samples”).

2. Plaintiff and defendant each desire to have the blood and urine samples tested.

3. Within five (5) business days of this Stipulation and Order, Colleen Bowen shall authorize and request CUMC to release the blood and urine samples as follows:

- (a) If the amount of the blood and urine samples is sufficient to allow each party to have the blood and urine samples tested by a toxicology laboratory of its choosing, CUMC will release split samples directly to the toxicology laboratories designated by the respective parties. Each party will be responsible for the costs it

incurs in obtaining and testing its half of the blood and urine samples.

- (b) If there is not a sufficient amount of the blood and urine samples to allow each party to have blood and urine samples tested by separate toxicology laboratories, then the parties shall agree on one toxicology laboratory. That toxicology laboratory will use the most accurate methodology available to it to test the blood and urine samples. The parties agree that the toxicology laboratory that is used must have the ability to perform a gas chromatography mass spectroscopy test. If the parties cannot agree on a toxicology laboratory, the Court shall select one. Each party will pay one-half of the cost of obtaining and testing the blood and urine samples.

4. Within five (5) business days of the delivery of the blood and urine samples to the toxicology laboratory, Western Contracting will dismiss its declaratory judgment action (Case No. 4:12-cv-3049) without prejudice.

/s Theodore H. Lucas
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Attorney for Colleen Bowen

DATE: April 5, 2012

SO ORDERED:

