

1 Alex De Castroverde
 Nevada Bar No. 6950
 2 Orlando De Castroverde
 Nevada Bar No. 7320
 3 **DE CASTROVERDE LAW GROUP**
 1149 South Maryland Pkwy
 4 Las Vegas, NV 89104
 Tel. 702.383.0606
 5 Fax 702.383.8741
 Email: alex@decastrovedelaw.com
 6 Email: orlando@decastroverdelaw.com

7 *Attorneys for Plaintiff*

8 **UNITED STATES DISTRICT COURT**
 9 **DISTRICT OF NEVADA**

11 KENDALL HAUER,
 12 Plaintiff,
 13 v.
 14 GEICO INSURANCE AGENCY, INC.;
 15 DOES I-V and ROES VI-X, inclusive,
 16 Defendant.

CASE NO.: 2:15-cv-02091-JAD-GWF

STIPULATION AND ORDER
REGARDING THE RULE 35
EXAMINATION OF PLAINTIFF

17 IT IS HEREBY STIPULATED AND AGREED by and between the parties of record,
 18 Orlando De Castroverde, Esq. of DE CASTROVERDE LAW GROUP, on behalf of Plaintiff
 19 KENDALL HAUER; Eric A. Daly, Esq. of GEICO STAFF COUNSEL, on behalf of
 20 Defendant GEICO INSURANCE AGENCY, INC., to the following terms and conditions for
 21 the Rule 35 medical examination of KENDALL HAUER by Thomas Vater, D.O.

- 22 1. No other person shall be present during the examination, other than the
 23 designated physician, and members of the physician's staff;
- 24 2. The examination shall be limited exclusively to those medical conditions of
 25 Plaintiff that are in controversy in this particular action;
- 26 3. Dr. Vater shall not ask any questions regarding liability during the
 27 examination, but may ask questions regarding the mechanism of injury;
- 28 4. No x-rays, CT scans or MRI's shall be performed on Plaintiff in the course

1 of the examination;

2 5. No mental or psychological examinations of Plaintiff shall be allowed;

3 6. No photographs or videos shall be taken of Plaintiff in the course of the
4 examination;

5 7. Any paperwork or forms that Defendant's designated physician expects
6 Plaintiff to fill out and/or sign at the time of the Rule 35 medical examination, shall be
7 submitted to Plaintiff's counsel for their review and approval a minimum of seventy-two (72)
8 hours prior to the examination.

9 8. The examination will be limited to the date and time agreed to by counsel. No
10 further contact will be made by the designated physician.

11 9. Plaintiff will not bring any medical records or films to the exam, Defense
12 counsel will provide these to the designated physician.

13 10. The designated physician shall not conduct a medical record review prior to
14 the examination.

15 11. The designated physician shall be provided with a copy of these terms.

16 12. Within ten (10) days of receipt by Defense Counsel, or by the initial expert
17 deadline, whichever is sooner, Defense Counsel shall provide Plaintiff's Counsel with a
18 copy of all reports and writings generated by the examining physician and/or the
19 physician's staff regarding this matter, including, but not limited to: A copy of a detailed
20 written report setting forth history, examination, findings, all diagnoses, all prognoses, all
21 conclusions of the examining physician, and all records reviewed.

22 13. Plaintiff shall not pay or incur any fee, unless she does not use her best
23 efforts to appear at the office of the examining physician at the scheduled time; and

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14. The designated physician shall see Plaintiff within 30 (thirty) minutes of the scheduled appointment.

DATED this 24 day of June, 2016.


DATED this 27th day of June, 2016.

DE CASTROVERDE LAW GROUP

GEICO STAFF COUNSEL.

By: 

Kimberly Valentin
Nevada Bar No. 12509
1149 S. Maryland Pkwy.
Las Vegas, Nevada 89104
Attorney for Plaintiff

By: 

Eric Daly
Nevada Bar No. 5274
901 N. Green Valley Pkwy., Ste. 190
Henderson, NV 89074
Attorney for Defendant

ORDER

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2 **IT IS SO ORDERED** that no other person shall be present during the examination,
3 other than the designated physician, members of the physician's staff, and an interpreter.

4 **IT IS SO ORDERED** that the examination shall be limited exclusively to those
5 medical conditions of Plaintiff that are in controversy in this particular action.

6 **IT IS SO ORDERED** that Dr. Vater shall not ask any questions regarding liability
7 during the examination, but may ask questions regarding the mechanism of injury.

8 **IT IS SO ORDERED** that no x-rays, CT scans or MRI's shall be performed on
9 Plaintiff in the course of the examination.

10 **IT IS SO ORDERED** that no mental or psychological examinations of the Plaintiff
11 shall be allowed.

12 **IT IS SO ORDERED** that no photographs or videos shall be taken of Plaintiff in the
13 course of the examination.

14 **IT IS SO ORDERED** that any paperwork or forms that Defendant's designated
15 physician expects Plaintiff to fill out and/or sign at the time of the Rule 35 medical
16 examination, shall be submitted to Plaintiff's counsel for their review and approval a
17 minimum of seventy-two (72) hours prior to the examination.

18 **IT IS SO ORDERED** that the examination will be limited to the date and time agreed
19 to by counsel. No further contact will be made by the designated physician.

20 **IT IS SO ORDERED** Plaintiff will not bring any medical records or films to the exam,
21 Defense counsel will provide these to the designated physician.

22 **IT IS SO ORDERED** The designated physician shall not conduct a medical record
23 review prior to the examination.

24 **IT IS SO ORDERED** that the designated physician shall be provided with a copy of
25 these terms and conditions prior to the examination.

26 **IT IS SO ORDERED** that within ten (10) days of receipt by Defense Counsel, or by
27 the initial expert deadline, whichever is sooner, Defense Counsel shall provide Plaintiff's
28 Counsel with a copy of all reports and writings generated by the examining physician

1 and/or the physician's staff regarding this matter, including, but not limited to: A copy of
2 a detailed written report setting forth history, examination, findings, all diagnoses, all
3 prognoses, all conclusions of the examining physician, and all records reviewed.

4 **IT IS SO ORDERED** that Plaintiff shall not pay or incur any fee, unless she does not
5 use her best efforts to appear at the office of the examining physician at the scheduled
6 time.

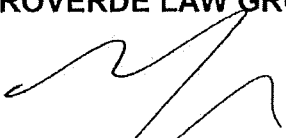
7 **IT IS SO ORDERED** that the designated physician shall see Plaintiff within 30
8 (thirty) minutes of the scheduled appointment.

9 Dated this 29th day of June, 2016.

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11 
12 UNITED STATES MAGISTRATE JUDGE

13 Respectfully submitted by:

14 **DE CASTROVERDE LAW GROUP**

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16 By: _____
17 Kimberly Valentin
18 Nevada Bar No. 12509
19 1149 South Maryland Parkway
20 Las Vegas, Nevada 89104
21 Attorneys for Plaintiff
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