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8 Attorney for Plaintiffs

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10 **IN THE UNITED STATES DISTRICT COURT**  
11 **DISTRICT OF NEVADA**

12 THOMAS ANGELO, an Individual; and  
13 KAREN ANGELO, an Individual,

14 Plaintiff,

15 vs.

16 ALBERTSON'S LLC., d/b/a ALBERTSON'S,  
17 a Foreign Limited-Liability Company; and  
18 DOES I through X, inclusive; and ROE  
19 BUSINESS ENTITIES I through X, inclusive,

20 Defendants.

Case No.: 2:17-CV-01246-APG-GWF

**STIPULATION REGARDING**  
**DEFENDANTS' MEDICAL**  
**EXAMINATION OF PLAINTIFF**

21 COMES NOW, Plaintiff THOMAS ANGELO, and Defendant ALBERTSON'S LLC., d/b/a  
22 ALBERTSON'S by and through their respective counsel of record, that the following guide-lines  
23 will be applied to Defendant's Medical Examination of Plaintiff:

24 1. The date and time of the Examination will be coordinated between offices and  
25 established at the convenience of Plaintiff and Physician.

26 2. All paperwork to be completed by Plaintiff shall be provided to Plaintiff's counsel at  
27 least five days prior to the Examination.

28 3. Plaintiff shall not complete any additional paperwork at the Examination location.

4. No one but Plaintiff and the examining Physician or Physician's employees may  
attend the examination.

1           5.     Liability questions may not be asked by the examining physician or any agent or  
2 representative of the examining physician. However, the examining physicians may inquire  
3 concerning the mechanism of injury.

4           6.     No x-rays or radiographs may be obtained during the examination.

5           7.     No physical painful or intrusive procedures may be utilized during the examination.

6           8.     That the examining physician shall not engage in ex-parte contact with Plaintiffs  
7 treating physicians.

8           9.     Defendants' counsel shall forward a copy of the examination report to Plaintiff's  
9 counsel within twenty (30) days.

10          10.    The examining physician will retain all handwritten notes, emails sent and received  
11 and all documents generated or received, including draft reports, related to the examination; and  
12 he/she will produce a copy of their entire file upon request of Plaintiff's Counsel including any test  
13 materials/raw data. This production shall occur within thirty (30) days of the examination without  
14 the requirement of either a subpoena or formal Request to Produce be served; however, Plaintiff's  
15 counsel will be responsible for any costs of reproducing said file.

16          11.    The examination shall not last longer than ninety (90) minutes unless extraordinary  
17 circumstances are presented to Plaintiff's counsel in writing at least five days in advance of the  
18 examination that justify the additional time.

19          12.    Plaintiff shall not be required to wait in the examining Physician's waiting room  
20 longer than fifteen (15) minutes after the scheduled commencement of the examination.

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1 13. Defense counsel shall execute this Stipulation regarding Defense Medical  
2 Examination ground rules. At that time, Plaintiff will agree to the date and time of the examination.  
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4 **IT IS SO STIPULATED.**

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6 DATED this 25 day of September, 2017.

DATED this 22 day of September, 2017.

7 **SHOOK AND STONE, CHTD.**

**BACKUS & CARRANZA**

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10 Leonard H. Stone, Esq.  
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12 Las Vegas, NV 89101  
Attorneys for Plaintiff

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15 Jack P. Burden, Esq.  
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3050 S Durango Dr  
17 Las Vegas, NV 89177  
Attorney for Defendant

18 **AFFIRMATION PURSUANT TO NRS 239B.030**

19 The undersigned does hereby affirm that this document does not contain the Social  
20 Security Number of any person.

21 **SHOOK AND STONE, CHTD.**

22 Leonard H. Stone, Esq.  
23 Nevada Bar No. 5791  
710 South Fourth Street  
Las Vegas, NV 89101  
Attorneys for Plaintiff

24 **IT IS SO ORDERED:**

25 George Foley Jr.  
UNITED STATES MAGISTRATE JUDGE

26 Dated: 9/27/2017  
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