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7 *Attorneys for Plaintiff*

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

11 SADIYYAH ABDULLAH,

12 Plaintiff,

13 v.

14 WAL-MART STORES, INC., DOES I-V and
15 ROE CORPORATIONS VI-X, inclusive,

16 Defendants.

CASE NO.: 2:17-CV-02647

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 SADIYYAH ABDULLAH; Betsy C. Jefferis, Esq. of PHILLIPS SPALLAS & ANGSTADT on
20 behalf of Defendant WAL-MART STORES, INC., to the following terms and conditions for
21 the Rule 35 medical examination of SADIYYAH ABDULLAH by Dr. Jeffrey Wang.

22 1. The examination shall be limited exclusively to Plaintiff's medical conditions
23 that are in controversy in this particular action;

24 2. The designated physician shall not ask any questions which are not normally
25 a part of a customary medical examination (e.g. liability, potential monetary recovery,
26 professional criticisms, Plaintiff's motivation for or willingness to pursue the claim, Plaintiff's
27 intentions/thoughts regarding potential monetary recovery, past settlements).

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1 3. No x-rays, CT scans or MRI's shall be performed during the examination
2 unless advance permission is sought and approved in writing;

3 4. No mental or psychological examinations of Plaintiff shall be allowed;

4 5. Any paperwork or forms that Defendant's designated physician expects
5 Plaintiff to fill out and/or sign at the time of the Rule 35 medical examination, shall be
6 submitted to Plaintiff's counsel for her review and approval a minimum of 5 days prior to
7 the examination.

8 6. The examination will be limited to the date and time agreed to by counsel.
9 The designated physician shall not contact Plaintiff before or after the examination.

10 7. The designated physician may not engage in ex parte contact with Plaintiff's
11 health care providers or other experts.

12 8. Plaintiff will not bring any medical records or films to the exam, as Defense
13 counsel may provide these to the designated physician.

14 9. Both parties are permitted to audio record the examination if they so choose.

15 10. Defense Counsel shall provide the designated physician with a copy of these
16 terms and advise the designated physician that the examination is contingent on the
17 physician adhering to each and every rule.

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

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

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1 14. Unless the examination begins within 30 (thirty) minutes of the
2 scheduled start time, the Plaintiff shall have the right to leave without penalty.

3 DATED this 2 day of February, 2018.

DATED this 2 day of February, 2018.

4 **DE CASTROVERDE LAW GROUP**

PHILLIPS, SPALLAS & ANGSTADT LLC

5
6 By: /s/ Kimberly Valentin

By: /s/ Betsy Jefferis

7 Kimberly Valentin
8 Nevada Bar No. 12509
9 1149 S. Maryland Pkwy.
Las Vegas, Nevada 89104
Attorney for Plaintiff

Betsy C. Jefferis
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Attorney for Defendant

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ORDER

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2 **IT IS SO ORDERED** that the examination shall be limited exclusively to Plaintiff's
3 medical conditions that are in controversy in this particular action.

4 **IT IS SO ORDERED** that the designated physician shall not ask any questions
5 which are not normally a part of a customary medical examination (e.g. liability, potential
6 monetary recovery, professional criticisms, Plaintiff's motivation for or willingness to pursue
7 the claim, Plaintiff's intentions/thoughts regarding potential monetary recovery, past
8 settlements).

9 **IT IS SO ORDERED** that no x-rays, CT scans or MRI's shall be performed during
10 the examination unless advance permission is sought and approved in writing.

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

13 **IT IS SO ORDERED** that any paperwork or forms that Defendant's designated
14 physician expects Plaintiff to fill out and/or sign at the time of the Rule 35 medical
15 examination, shall be submitted to Plaintiff's counsel for his/her review and approval a
16 minimum of 5 days prior to the examination.

17 **IT IS SO ORDERED** that the examination will be limited to the date and time agreed
18 to by counsel. The designated physician shall not contact Plaintiff before or after the
19 examination.

20 **IT IS SO ORDERED** that the designated physician may not engage in ex parte
21 contact with Plaintiff's health care providers or other experts.

22 **IT IS SO ORDERED** that the Plaintiff will not bring any medical records or films to
23 the exam, as Defense counsel may provide these to the designated physician.

24 **IT IS SO ORDERED** that both parties are permitted to audio record the examination
25 if they so choose.

26 **IT IS SO ORDERED** that Defense Counsel shall provide the designated physician
27 with a copy of these terms and advise the designated physician that the examination is
28 contingent on the physician adhering to each and every rule.

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

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

IT IS SO ORDERED unless the examination begins within 30 (thirty) minutes of the scheduled start time, the Plaintiff shall have the right to leave without penalty.

Dated this 6th day of February, 2018.



UNITED STATES MAGISTRATE JUDGE

Respectfully submitted by:

DE CASTROVERDE LAW GROUP

By: /s/ Kimberly Valentin
Kimberly Valentin
Nevada Bar No. 12509
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Las Vegas, Nevada 89104
Attorneys for Plaintiff