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14 Attorneys for Plaintiffs

15 UNITED STATES DISTRICT COURT
 16 DISTRICT OF NEVADA

17 TAMMARA TIMS and H.H., a minor by and
 18 through his Guardian Ad Litem, GENEVA
 ATTEBERRY,

19 Plaintiffs,

20 v.

21 CLARK COUNTY SCHOOL DISTRICT,
 22 KASEY GLASS, MARK CONNORS, and
 DOES 1-50,

23 Defendants.
 24
 25
 26
 27
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Case No. 2:18-cv-00021-JAD-VCF

**ORDER GRANTING IN PART AND
 DENYING IN PART DEFENDANT
 KASEY GLASSMOTION TO
 COMPEL RULE 35
 PSYCHOLOGICAL EXAMINATION
 OF MINOR PLAINTIFF H.H. [ECF
 No. 217]**

1 Having reviewed and considered Defendant Kasey Glass' Motion to Compel Rule 35
2 Psychological Examination of Minor Plaintiff H.H. ("Motion") [ECF No. 217], and having read
3 and considered all papers filled in support thereof and in opposition thereto, and having heard and
4 considered the oral arguments of counsel on September 16, 2019, and with good cause appearing,
5 the Court orders as follows:

6 **ORDER**

7 **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that the Motion is
8 hereby **GRANTED IN PART AND DENIED IN PART** and the Court orders as follows:

- 9 1. The Rule 35 Psychological Examination of minor plaintiff H.H. shall take place on or
10 before October 15, 2019 by Defendant's Rule 35 examiner, Dr. Kimberley Lakes ("Rule
11 35 Examiner").
- 12 2. The Rule 35 examiner's report shall be provided to Plaintiff's counsel on request on or
13 before October 22, 2019. The examiner's report must be in writing and must set out in
14 detail the examiner's findings, including diagnoses, conclusions, and the results of any
15 tests, as provided by Rule 35. Copies of the raw data of the tests shall also be provided to
16 Plaintiff's attorney, Peter Alfert, Esq. only, on request at that time so that it may be
17 provided to Plaintiff's retained expert only, subject to a supplemental confidentiality
18 order. This raw data shall be designated as confidential. Plaintiff's request for a limited
19 deposition of the examiner following the examination is denied without prejudice.
- 20 4. The deadline for initial expert reports shall be extended to November 22, 2019.
- 21 5. The deadline for rebuttal expert reports shall be extended to December 23, 2019.
- 22 6. Expert discovery shall close on January 30, 2020.
- 23 7. The parties shall have until March 2, 2020 to file any dispositive motions.

24 **The Court further orders that the exam be conducted under following conditions:**

- 25 A. The exam shall be limited to the specific tests identified in the motion. Any testing the
26 Rule 35 examiner performs shall be limited to the four tests identified in the motion at
27 ECF 217 at 6:5-8.
28

- 1 B. No interview of parents or any other caretaker shall be allowed.
- 2 C. Plaintiff's guardian ad litem Geneva Atteberry shall be permitted to accompany H.H. and
- 3 attend the examination but should not be asked or required to take part in any interviews.
- 4 D. The examination shall be video recorded at Plaintiff's expense. The videographer will set
- 5 up the video in the corner of the room and not be present during the examination. The
- 6 video recording of the examination shall be designated as confidential and subject to the
- 7 confidentiality order (ECF No. 33) and retained by the videographer. The video
- 8 recording shall not be released by the videographer to anyone except by further Court
- 9 order.
- 10 E. Neither Defendant Glass nor any counsel for any party may attend the exam which must
- 11 be held in neutral conference room in Las Vegas, Nevada.

12
13 **IT IS SO ORDERED.**

14 9-23-2019

15 Dated: _____



16 _____
17 UNITED STATES MAGISTRATE JUDGE