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

10 BERNADETTE EILEEN KEY, an individual,  
 11  
 12 Plaintiff,

CASE NO. 2:21-cv-01354-JCM-EJY

13 v.

**STIPULATION AND ORDER**  
**REGARDING FRCP 35 MEDICAL**  
**EXAMINATION OF PLAINTIFF**  
**BERNADETTE EILEEN KEY**

14 HNJ MIRACLE MILE L.L.C., a Domestic  
 Limited-Liability Company; DOE EMPLOYEES  
 15 OF HNJ MIRACLE MILE L.L.C.; DOES I  
 through X; and ROE Corporations I through X,  
 16 inclusive,

17 Defendants.

18  
 19 IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff  
 20 BERNADETTE EILEEN KEY (“Plaintiff”) and Defendant HNJ MIRACLE MILE L.L.C., by  
 21 and through their undersigned counsels of record, as to the terms of the medical examination of  
 22 Plaintiff BERNADETTE EILEEN KEY (hereinafter “Plaintiff”) pursuant to FRCP 35 as  
 23 follows:

24 1. The medical examination pursuant to FRCP 35 (the “Examination”) shall be  
 25 conducted by Mark Rosen, M.D. on January 13, 2022, at 1:15 p.m. located at Mark Rosen,  
 26 M.D.’s office located at 2680 Crimson Drive, Las Vegas, NV 89128. Plaintiff must present a  
 27 photo ID and will be asked to sign-in with Mark Rosen, M.D.’s staff.  
 28



1           2.     Any and all paperwork that Plaintiff is required to complete as a part of the  
2 examination, including but not limited to intake forms and medical histories, shall be provided to  
3 Plaintiff at least two weeks prior to the examination.

4           3.     Plaintiff will not be made to wait for the examination to begin for more than 120  
5 minutes. However, should Plaintiff be made to wait 120 minutes, Plaintiff's counsel will contact  
6 Defendant's counsel so that Defendant's counsel can make a good faith effort to remedy the  
7 issue regarding Plaintiff's extended wait time.

8           4.     The examining physician and/or his staff may ask Plaintiff how the incident  
9 occurred.

10          5.     No other party, or representative thereof, may be present at the examination.

11          6.     No other medical professional, including physicians, surgeons, or chiropractors,  
12 may be present at or participate in the examination. However, if necessary, members of the  
13 examining physician's staff may be used to assist in the examination.

14          7.     No CT Scans, MRI's, X-rays, or other diagnostic imaging shall be performed on  
15 Plaintiff in the course of the examination.

16          8.     No recording audio or visual shall be performed on Plaintiff in the course of the  
17 examination.

18          9.     The examining physician shall not engage in ex parte contact with Plaintiff's  
19 treating health care providers.

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1 10. The examining physician will retain and produce any materials related to the  
2 examination required under the Federal Rules of Civil Procedure.

3  
4 DATED this 18<sup>th</sup> day of November 2021.

DATED this 18<sup>th</sup> day of November 2021.

5 GINA CORENA & ASSOCIATES

THORNDAL ARMSTRONG DELK  
BALKENBUSH & EISINGER

6  
7 */s/ Betsy C. Jefferis-Aguilar*

*/s/ Gregory M. Schulman*

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16 Gregory M. Schulman, Esq.  
17 Nevada State Bar No. 5766  
18 1100 East Bridger Avenue  
19 Las Vegas, NV 89101-5315  
20 *Attorneys for Defendant*

21 **ORDER**

22 IT IS SO ORDERED.

23 Dated this 19<sup>th</sup> day of November, 2021.

24   
25 \_\_\_\_\_  
26 UNITED STATES MAGISTRATE JUDGE

27 Respectfully submitted by

28 GINA CORENA & ASSOCIATES

*/s/ Betsy C. Jefferis-Aguilar*

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