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RYAN L. DENNETT, ESQ.
Nevada Bar No. 005617
rdennett@dennettwinspear.com
BRENT D. QUIST, ESQ.
Nevada Bar No. 009157
bquist@dennettwinspear.com
DENNETT WINSPEAR, LLP
3301 N. Buffalo Drive, Suite 195
Las Vegas, Nevada 89129
Telephone: (702) 839-1100
Facsimile: (702) 839-1113
***Co-counsel for Defendants,
Jon Shields and Misty Shields***

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

GLENDAMARIE PRIESTLEY, an individual,

Plaintiff,

vs.

JON SHIELDS, an individual; MISTY SHIELDS,
an individual; DOES 1 through 20, inclusive, and
ROE BUSINESS ENTITIES 1 through 20,
inclusive,

Defendants.

Case No: 2:21-CV-01657-JCM-DJA

**STIPULATION AND ORDER TO ALLOW DEFENDANT TO CONDUCT A FED.R.CIV.P. 35
EXAM OF PLAINTIFF GLENDAMARIE PRIESTLEY**

Plaintiff GLENDAMARIE PRIESTLEY, by and through his counsel of record,
BERTOLDO BAKER CARTER & SMITH, and JON and MISTY SHIELDS, by and through their
counsel of record, DENNETT WINSPEAR, LLP, hereby stipulate to the Fed.R.Civ.P. 35(a)
examination of Plaintiff GLENDAMARIE PRIESTLEY.

1. The Rule 35 examination of Plaintiff is currently scheduled to take place with Dr.
John Herr at 1701 N. Green Valley Parkway, Suite 4C, Henderson, Nevada 89074. It will take
place February 8, 2023, at 9:45 a.m.

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1 2. All paperwork to be completed by Plaintiff shall be provided to Plaintiff's counsel
2 at least ten (10) days prior to the examination for Plaintiff's counsel to review and for Plaintiff to
3 complete. Plaintiff will bring the completed paperwork to the examination, which will help to
4 ensure timely completion of the examination.

5 3. Defendants' representatives shall be responsible for gathering films unless
6 already in Plaintiff's possession.

7 4. Plaintiff may audio record the examination. Dr. Herr may also audio record the
8 examination. Plaintiff's audio recording and Dr. Herr's audio recording shall be disclosed within
9 fourteen (14) days of the examination.

10 5. Defense shall not have anyone other than the physician and his staff attend the
11 examination.

12 6. Plaintiff may have an observer attend the examination. Plaintiff shall identify to the
13 defense, within ten (10) days prior to the examination, the name of the observer and relationship
14 to the Plaintiff. The observer will not be Plaintiff's attorney or an employee of Plaintiff's attorney's
15 office.

16 7. The observer may not interfere or obstruct the examination in any way. If Dr. Herr
17 believes the observer is interfering or obstructing with the examination in any way, Dr. Herr may
18 pause the examination and contact defense counsel. Counsel will meet and confer regarding the
19 issue. If, after the observer is informed not to interfere or obstruct with the examination, the
20 observer continues to interfere or obstruct the examination then Dr. Herr may terminate the
21 examination. If that occurs, Defendants shall have the right to have Dr. Herr resume the Rule 35
22 exam at another date/time, with another observer present. Plaintiff will be responsible to pay Dr.
23 Herr's costs/expense associated with this second, continued examination.

24 8. Video-recording of the examination will not be permitted.

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1 9. It is expected that the exam will start within thirty (30) minutes of the scheduled
2 starting time and Plaintiff's time in the physician's office will not exceed ninety (90) minutes from
3 the scheduled start time. If either of these time frames are exceeded, Plaintiff will call his counsel
4 and Plaintiff's counsel will contact Defendants' counsel and attempt to rectify the situation. If the
5 parties are unable to rectify the situation at that time, the parties will work together to reschedule
6 the Rule 35 examination at a mutually convenient time for Plaintiff and the doctor. Plaintiff will not
7 be responsible for any costs which may be incurred if the Rule 35 Exam must be rescheduled
8 due to the time limits set forth herein being exceeded.

9 10. If Plaintiff fails to appear for the Rule 35 Exam, Plaintiff will not be required to pay
10 the costs associated with Plaintiff's failure to appear if the parties determine the failure to appear
11 was due to an emergency. If the parties are unable to agree as to whether the reason for
12 Plaintiff's failure to attend the exam constituted an emergency, the parties agree to submit the
13 issue to the Magistrate Judge. Plaintiff will not be responsible to pay the costs associated with
14 his failure to appear at the exam if the Magistrate Judge determines an emergency situation was
15 the cause for Plaintiff's failure to appear at the exam. Otherwise, Plaintiff will be required to pay
16 the costs associated with his failure to appear at the exam.

17 11. Dr. Herr will not engage in contact with Plaintiff's witnesses including treating
18 health care providers and retained experts.

19 12. The physical examination shall be limited to the parts of the body which bears a
20 reasonable relationship to the body parts that Plaintiff has placed in controversy.

21 13. No physically painful or intrusive procedures may be utilized during the
22 examination, nor shall Plaintiff be required to disrobe other than what is absolutely necessary to
23 assist the examiner.

24 14. No x-rays, radiographs or other diagnostic tests, intrusive or painful procedures,
25 or treatment may be obtained during the examination without Plaintiff's counsel's prior approval.

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Theresa Amendola

From: Paul Cullen <Paul@nvlegaljustice.com>
Sent: Thursday, February 9, 2023 4:15 PM
To: Theresa Amendola
Subject: RE: Priestly v Shields- New Stip

You may affix my signature.

Paul R.M. Cullen, Esq.
BERTOLDO CARTER SMITH & CULLEN
7408 W. Sahara Avenue, Las Vegas, Nevada 89117
Telephone 702.800.0000 | Fax 702.228.2333
email: paul@nvlegaljustice.com



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From: Theresa Amendola <tamendola@dennettwinspear.com>
Sent: Thursday, February 9, 2023 2:38 PM
To: Paul Cullen <Paul@nvlegaljustice.com>
Subject: Priestly v Shields- New Stip

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Mr. Cullen:

As you are aware, the Court denied the Stip without Prejudice. Brent corrected the errors noted in the Order and I am attaching the same for your review before e-filing. Please let me know if it can be filed with your e-signature.

Thank you.

Theresa

Theresa Amendola
Assistant to
Ryan L. Dennett, Esq.
Jennifer Insley Micheri, Esq.
Meredith L. Holmes, Esq.

Direct dial: 702-932-2625

My normal working hours are Monday through Thursday from 8:30 a.m. to 5:00 p.m.



3301 North Buffalo Drive, Suite 195
Las Vegas, Nevada 89129
702.839.1100 voice – extension 810
702.839.1113 fax

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