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6 Attorneys for Defendant PEPPERDINE UNIVERSITY
7

8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION
10

11 HALEY VIDECKIS and LAYANA
WHITE, individuals,

12 Plaintiffs,

13 vs.
14

15 PEPPERDINE UNIVERSITY, a
corporation doing business in
California,

16 Defendant.
17

Case No. 2:15-cv-00298-DDP (JCx)

**NOTICE OF MOTION OF
DEFENDANT PEPPERDINE
UNIVERSITY TO COMPEL
MENTAL EXAMINATIONS OF
PLAINTIFFS**

*(Filed concurrently with Proposed
Order and Joint Stipulation)*

Date: April 25, 2017
Time: 9:30 a.m.
Crtrm.: 20

Trial Date: May 23, 2017

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20 **TO PLAINTIFFS AND THEIR ATTORNEYS OF RECORD HEREIN:**

21 **PLEASE TAKE NOTICE THAT** on April 25, 2017 at 9:30 a.m. in
22 Courtroom 20, located at 312 N. Spring St., Los Angeles, California, Defendant
23 Pepperdine University (“Pepperdine”) will move the Court for an Order compelling
24 the mental examinations of Plaintiffs Haley Videckis and Layana White
25 (“Plaintiffs”).

26 The examinations will be conducted for purposes of determining the nature
27 and extent of Plaintiffs’ alleged emotional distress, which Plaintiffs claim were

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1 caused and/or exacerbated by Pepperdine. The examinations will be conducted at a
2 time agreed upon by the parties.

3 This Motion is made pursuant to Rule 35 of the Federal Rules of Civil
4 Procedure and L.R. 37 after numerous conferences of counsel and the preparation of
5 a joint stipulation (which is filed concurrently with this Notice). *The timeliness of*
6 *the Motion and filing of documents pertaining thereto has been agreed to between*
7 *counsel. (See, EFC Doc. No. 56.)*

8 The Motion is made on the grounds that the mental condition of Plaintiffs has
9 been placed in controversy in this action. Although Plaintiffs never sought treatment
10 for any emotional distress, Pepperdine just learned that Plaintiffs are designating a
11 psychologist as an expert witness who will purportedly testify about their “severe”
12 emotional distress caused by Pepperdine.

13 The Motion is supported by the Joint Stipulation, which includes as exhibits
14 the Declarations of Paula Tripp Victor and Dr. Mark I. Levy, M.D, the pleadings on
15 file herein, and on such other written and oral evidence and argument as may be
16 presented at or before the hearing on this Motion.

17
18 DATED: April 7, 2017 ANDERSON, MCPHARLIN & CONNERS LLP

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21 By: /s/ Paula Tripp Victor
22 Paula Tripp Victor
23 Peter B. Rustin
24 Attorneys for Defendant PEPPERDINE
25 UNIVERSITY
26
27
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8 UNITED STATES DISTRICT COURT
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11 HALEY VIDECKIS and LAYANA
WHITE, individuals,

12 Plaintiffs,

13 vs.

14 PEPPERDINE UNIVERSITY, a
15 corporation doing business in
California,

16 Defendant.
17

Case No. 2:15-cv-00298-DDP (JCx)

**[PROPOSED] ORDER GRANTING
DEFENDANT’S MOTION TO
COMPEL MENTAL
EXAMINATIONS OF PLAINTIFFS**

*(Filed concurrently with Notice of
Motion and Joint Stipulation)*

Date: April 25, 2017
Time: 9:30 a.m.
Crtrm.: 20

Trial Date: May 23, 2017
18

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20 The Motion of Defendant Pepperdine University for an order compelling
21 Plaintiffs Haley Videckis and Layana White to submit to a mental examination came
22 on for hearing in this Court on April 25, 2017. Having read the Joint Stipulation,
23 the declarations, supplemental memoranda, and having heard argument of counsel,
24 and good cause appearing,

25 IT IS SO ORDERED that Pepperdine’s motion is GRANTED, that Plaintiffs
26 Haley Videckis and Layana White shall submit to a psychiatric examination
27 pursuant to the provisions of Rule 35 of the Federal Rules of Civil Procedure.

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1 The examinations will consist of Dr. Ronald Roberts administering the
2 Minnesota Multiphasic Personality Inventory-2 (MMPI-2) and the Personality
3 Assessment Inventory (PAI), and the Rorschach Inkblot Test.

4 Dr. Mark Levy will then conduct a standard question and answer session with
5 each Plaintiff, separately, and will continue as long as reasonably required, but in no
6 event longer than six hours, and without any other persons present. Said
7 examination will be conducted under the equivalent of standard office conditions
8 and will consist of the taking of the Plaintiffs' pertinent history and present status.

9 The examinations shall be held at a location to be agreed upon by the parties
10 within Los Angeles County.

11 The written and verbal examinations do not need to occur sequentially but the
12 written testing shall be conducted before the interview portion of the examination.

13 The examinations should be completed by May 18, 2017.

14 Date: _____

Honorable Jacqueline Chooljian
United States Magistrate Judge

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