

**FILED ORIGINAL**  
LOS ANGELES SUPERIOR COURT

JUL 22 2008

JOHNA STARR, CLERK  
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7 Attorneys for Defendants  
8 MATT LeBLANC and LeBLANC ENTERPRISES, LTD.

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
10 COUNTY OF LOS ANGELES

11  
12 CAMILLE CERIO, an individual,  
13 Plaintiffs,  
14 vs.  
15 MATT LeBLANC, an individual; LeBLANC  
ENTERPRISES, LTD., a business entity; and  
16 DOES 1 to 25, inclusive,  
17 Defendants.

Case No. BC376619  
DEFENDANTS' NOTICE OF MOTION  
AND MOTION FOR ORDER RE  
MENTAL EXAMINATION OF  
PLAINTIFF CAMILLE CERIO

[Request for Judicial Notice concurrently  
filed and [Proposed] Order concurrently  
lodged herewith]

Date: August 13, 2008  
Time: 8:30 a.m.  
Department: 23

Date Action Filed: August 27, 2007  
Discovery Cutoff: August 25, 2008  
Trial Date: September 22, 2008

22 TO PLAINTIFF AND HER ATTORNEYS OF RECORD:

23 PLEASE TAKE NOTICE that on August 13, 2008, at 8:30 a.m., or as soon as  
24 may be heard, in Department 23 of the Los Angeles County superior Court  
25 Street, Los Angeles, California, 90012, defendants Matt LeBlanc and LeBlanc Enterprises  
26 will and do hereby move for an Order providing that:

- 27 1. Plaintiff Camille Cerio ("Plaintiff") shall submit to a mental examination to be  
28 conducted by Francine B. Kulick, Ph.D., a licensed psychologist, at her office located at

CIT/CASE: BC376619 LEA/DEFB:  
RECEIVED: 07/22/08 03:55:54  
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Case No. BC376619

Motion for Mental Examination of Camille Cerio

Fees paid on 10/10/08 by 3300 + 11/29/07 178 6405

001-001-0000

1 Ocean Ave., Suite 200, Santa Monica, California, 90401, beginning at 10:00 a.m. with an  
2 anticipated conclusion by approximately 4:00 p.m., on August 14, 2008, or on a date thereafter as  
3 mutually agreed by the parties;

4 2. Dr. Kulick's examination of Plaintiff shall consist of: (a) psychological testing,  
5 including, without limitation, The Minnesota Multi-phasic Personality Inventory-2 test ("MMPI-  
6 2"); and (b) a clinical interview consisting of a mental status examination, an assessment of current  
7 functioning, delineation of the allegations, and exploration of concurrent history and past history;

8 3. Additional psychological testing may be performed by Dr. Kulick based on  
9 Plaintiff's report of symptoms, but no invasive or physical examinations shall be performed.

10 4. Plaintiff may take breaks for personal comfort as needed and the mental  
11 examination may continue beyond one day in the event Dr. Kulick is unable to complete the mental  
12 examination in a single day as a result of frequent breaks or if additional diagnostic testing is  
13 required.

14 5. Pursuant to Cal. Code Civ. Proc. § 2032.530, both Dr. Kulick and Plaintiff shall  
15 have the right to record the mental examination by audio technology; and

16 6. There shall be no other persons present during the examination, besides Dr. Kulick's  
17 staff as needed, and no one shall be permitted to observe or eavesdrop on the examination.

18 This motion is made pursuant to section 2032 of the California Code of Civil Procedure on  
19 the grounds that good cause exists for the mental examination requested because:

20 i. Plaintiff asserts claims for breach of an oral or implied contract that she alleges was  
21 in place as of April 4, 1994;

22 ii. In response to the defendants' affirmative defense that this entire action is barred  
23 completely by the parties' Termination Agreement and General Release dated August 23, 1995 (the  
24 "Release"), Plaintiff has placed her mental condition in controversy because she contends that the  
25 Release is unenforceable because, among other things, she allegedly entered into the Release as a  
26 result of mental duress and/or "Major Depressive Disorder and the ill effects of traumatization"  
27 and/or "abandonment anxiety" and/or her "characterological predisposition" [d]ue to her  
28 developmental history" and related "psychological distress" and "emotional distress," and she has

0050040/006/399913v07



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LOS ANGELES SUPERIOR COURT

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JOHN A. CLARKE, CLERK  
*[Signature]*  
BY SYNTHIA M. JAGGEB, DEPUTY

7 Attorneys for Defendants  
8 MATT LeBLANC and LeBLANC ENTERPRISES, LTD.

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
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16 DOES 1 to 25, inclusive,  
17 Defendants.

Case No. BC376619

**REQUEST FOR JUDICIAL NOTICE IN  
SUPPORT OF MOTION FOR MENTAL  
EXAMINATION OF PLAINTIFF  
CAMILLE CERIO**

Date: August 13, 2008  
Time: 8:30 a.m.  
Department: 23

Date Action Filed: August 27, 2007  
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19  
20  
21 **TO THIS HONORABLE COURT AND TO PLAINTIFF AND HER ATTORNEYS**  
22 **OF RECORD:**

23 Pursuant to California Evidence Code section 452(d) and California Rules of Court  
24 3.1113(l) and 3.1306(c), defendants Matt LeBlanc and LeBlanc Enterprises, Ltd. hereby request  
25 that this Court take judicial notice of the following pleadings of record in connection with  
26 Defendants' concurrently filed Motion for Mental Examination of Plaintiff Camille Cerio set for  
27 hearing on August 13, 2008:  
28

09/23/08

1 1. Plaintiff's Second Amended Verified Complaint, and Exhibits 1, 2, and 3 attached  
2 thereto, filed in this action on February 1, 2008, a true and correct copy of which is attached hereto  
3 as Exhibit A;

4 2. Defendant's Verified Answer To Second Amended Verified Complaint, and Exhibit  
5 A attached thereto, filed in this action on April 17, 2008, a true and correct copy of which is  
6 attached hereto as Exhibit B;

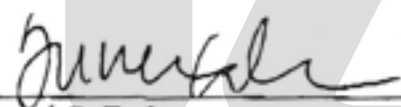
7 3. The Court's Minute Order Re Motion Of Defendants For Summary Judgment, filed  
8 in this action on July 2, 2008, a true and correct copy of which is attached hereto as Exhibit C; and

9 4. The Court Order Ruling On Defendants Objection To Evidence Submitted By  
10 Plaintiff In Opposition To Defendants' Motion For Summary Judgment, filed in this action on July  
11 2, 2008, a true and correct copy of which is attached hereto as Exhibit D.

12 The pleadings are properly subject to judicial notice pursuant to Cal. Evid. Code section  
13 452(d), as they are part of the record of this Court in the above-captioned matter.

14  
15 Dated: July 22, 2008

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16  
17 By:   
18 Joseph R. Taylor  
19 Michael L. Novicoff  
20 Taneen E. Chisolm  
21 Attorneys for Defendants  
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