

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

BETTY J. SMITH

PLAINTIFF

V.

CASE NO. 4:10CV01534 JMM

**DOLGENCORP, LLC, d/b/a
DOLLAR GENERAL**

DEFENDANTS

ORDER

Pending are Plaintiff's motion to compel, docket # 9, Defendant's motion to compel an independent medical examination, docket # 11 and Defendant's motion for protective order, docket #27. For the reasons stated during the hearing held on July 25, 2011, the Court finds and orders as follows:

Plaintiff's motion to compel is DENIED. Plaintiff's request for Defendant's claim file is DENIED.

Defendant's motion to compel an independent medical examination by Dr. Earl Peeples is GRANTED. Plaintiff's request for limitations on this examination is DENIED. The examination should be scheduled so that any report and supplemental disclosures regarding the examination can be made on or before August 15, 2011. The deposition of Dr. Peeples, shall be scheduled on or before August 26, 2011. Plaintiff may file a Daubert motion regarding the admissibility of Dr. Peeples testimony on or before September 6, 2011. Defendant's response to any Daubert motion shall be filed on or before September 12, 2011. The evidentiary deposition of Dr. Peeples shall be completed

at a mutually convenient date and time prior to trial.

Defendant's motion for a protective order is DENIED. The deposition of Dr. William Doss will take place as scheduled on July 29, 2011.

IT IS SO ORDERED this 26th day of July, 2011.


James M. Moody
United States District Judge