

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

YOLANDA YVETTE BELL,
Plaintiff,
v.
UNITED STATES DEP'T OF INTERIOR,
KENNETH SALAZAR, Secretary,
Defendants.

No. 2:12-cv-1414-TLN-JFM (PS)

ORDER

On August 19, 2013, the undersigned issued an order granting defendants' motion for an independent medical exam and ordering plaintiff to appear for an independent medical examination by Dr. Mark Mills, M.D., on August 21, 2013, at 9:00 a.m., at 6635 Hillandale Road, Chevy Chase, Maryland 20815. ECF No. 129. On August 21, 2013, plaintiff refused to appear for the independent medical examination. The court held a telephonic conference between the parties during which the undersigned heard plaintiff's objections and declined to vacate the August 19, 2013, order requiring the examination. ECF No. 132.

On August 21, 2013, defendants filed an ex parte application for order to show cause regarding sanctions for plaintiff's failure to appear for her independent medical examination. ECF No. 133. Defendants request sanctions in the form of reimbursement of Dr. Mills' examination fee as well as dismissal of plaintiff's case. Given plaintiff's failure to comply with the court's order in spite of earlier warnings (including the court's specific admonition to plaintiff

1 during the August 21, 2013 telephone conference with the parties regarding the order to attend the
2 exam) as to the potential sanctions for failing to comply with court orders plaintiff is now ordered
3 to appear telephonically on August 28, 2013, at 10:00 a.m. to show cause why her case should not
4 be dismissed for failure to appear for the court-ordered independent medical examination.

5 The following motions are also pending before the court: plaintiff's motion for reasonable
6 accommodation (ECF No. 121); and plaintiff's motion for continuance of the scheduling order
7 deadlines (ECF No. 122). Defendants' timely opposed plaintiff's motions pursuant to the court's
8 August 19, 2013, order. ECF No. 130. In light of the September 3, 2013 discovery cut-off, the
9 court will also hear oral argument on these two motions. Plaintiff will have an opportunity to
10 reply to defendants' oppositions during oral argument.

11 Accordingly, IT IS HEREBY ORDERED that:

12 1. Plaintiff shall appear telephonically on August 28, 2013, at 10:00 a.m. to show cause
13 why her case should not be dismissed for failure to appear for the court ordered independent
14 medical examination; and

15 2. The following motions will also be heard on August 28, 2013, at 10:00 a.m.: plaintiff's
16 motion for reasonable accommodation (ECF No. 121) and motion for continuance (ECF No.
17 122).

18 DATED: August 26, 2013.

19 
20 EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE

21 bell1414.osc
22
23
24
25
26
27
28