

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 08-cv-02174-LTB-MJW

GLORIA MORRISSEY,

Plaintiff,

v.

ALLSTATE INSURANCE COMPANY,

Defendant.

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**ORDER DIRECTING PLAINTIFF TO APPEAR FOR A RULE 35 EXAMINATION**

*( Docket no 60 )*

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This Court, having reviewed and considered Defendant Allstate Insurance Company's Renewed Unopposed Motion for Rule 35 Examination of Plaintiff Gloria Morrissey, and being itself fully advised,

HEREBY ORDERS that Defendant Allstate's Motion is GRANTED; and

FURTHER ORDERS that an independent medical examination shall take place pursuant to the provisions of Fed.R.Civ.P. 35 at Defendant Allstate's expense. Plaintiff Gloria Morrissey shall appear for an independent medical examination at the following time and place:

Date: Wednesday, July 1, 2009

Time: 9:45 a.m.

Place: Rehabilitation Associates of Colorado

1380 S. Santa Fe Drive, Suite 100

Denver CO 80223

Phone: (303) 777-3422

Examining Physician: Brian D. Lambden, M.D.

The scope of the IME will be as follows: Dr. Lambden will be requested to conduct a complete physical examination of the plaintiff directed to an evaluation of all of the claims and injuries, limitations and restrictions that the plaintiff has alleged she has suffered as a result of this accident. He will be asked to provide opinions regarding the diagnosis of any injuries, causation for these injuries, and whether there are any restrictions or limitations as a result of those injuries, as well as opinions regarding the reasonableness, necessity and causation for any past and future treatment as a result of the accident and as the plaintiff alleged.

The plaintiff is required to complete the questionnaire provided by Dr. Lambden prior to the start of the examination and to provide the same to him at the time of the examination, with the following exceptions:

1. Page 4, questions about Plaintiff's Family Member's History, specifically "problems similar to yours," "during abuse/alcoholism," and "mental or nervous disorder."
2. The following questions on page 6, "How would you characterize your job satisfaction at the time of your injury," "did you get along with your supervisor," "are you going to have problems with your co-workers/boss when you return to work," "has, or is your employer willing to let you return to work," the reason for leaving her employment for the last five years, "are you going to school," "what are your current hopes and plans with regard to work, or school, and your future."
3. Page 7, entire section titled "social habits".
4. Page 8, entire section titled "stress management and mental health."

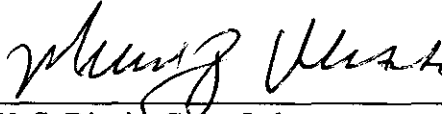
In addition, the plaintiff may audiotape record the examination. Further, the plaintiff is required to attempt to obtain and bring to the IME all x-rays, CT Scans, MRI's and any other radiographic images. If the plaintiff is unable to bring the requested radiographic documents to the

IME, the plaintiff will advise her attorney and have her attorney contact defense counsel in that regard as soon as possible.

In addition, if for any reason, the plaintiff cannot appear on the above scheduled date and time, it shall be her responsibility to have her counsel contact Defendant Allstate's counsel to reschedule the examination date at least 10 days in advance of the above scheduled date and time. If the plaintiff cancels the examination after that date, the responsibility for the payment of any cancellation fee shall be determined by this Court on motion of Defendant Allstate.

DONE in Court this 12<sup>th</sup> day of June, 2009.

BY THE COURT:



~~U.S. District Court Judge~~

**MICHAEL J. WATANABE  
U.S. MAGISTRATE JUDGE  
DISTRICT OF COLORADO**