

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Magistrate Judge Boyd N. Boland

Civil Action No. 09-cv-01006-MSK-BNB

JOHN STEPHEN HEANEY,

Plaintiff,

v.

DETECTIVE JAMES COSTIGAN,  
DETECTIVE MICHAEL CORDOVA,  
DETECTIVE NOEL IKEDA,  
OFFICER LUKE PALMITERE,  
SERGEANT DANIEL STEELE,  
ALL LAW ENFORCEMENT OFFICERS EMPLOYED BY THE DENVER POLICE  
DEPARTMENT, and  
THE CITY AND COUNTY OF DENVER, COLORADO,

Defendants.

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**ORDER**

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This matter arises on the following:

- (1) Defendants' **Motion to Compel Independent Medical Examination Pursuant to Fed. R. Civ. P. 35** [Doc. # 52, filed 8/26/2010] (the "Motion to Compel IME");
- (2) Plaintiff's **Motion for Protective Order Pursuant to Fed. R. Civ. P. 26(c)** [Doc. # 63, filed 9/8/2010] (the "Motion for Protective Order"); and
- (3) **Unopposed Motion to Modify Scheduling Order** [Doc. # 53, filed 8/26/2010] (the "Motion for Extension").

I held a hearing on the motions this afternoon and made rulings on the record, which are incorporated here. For the reasons stated on the record,

IT IS ORDERED that:

(1) The Motion to Compel IME [Doc. # 52] is GRANTED. The plaintiff shall submit to an IME as follows:

Time: September 15, 2010, commencing at 10:00 a.m., and continuing for not more than five hours;

Place: Offices of Dr. William Hansen, 1777 So. Harrison Street, Suite 840, Denver, Colorado;

Manner: Through the administration of standardized psychological tests and/or interviews of the plaintiff;

Conditions: The plaintiff may be accompanied to Dr. Hansen's waiting room by one person (which may be his lawyer or some other person). The third person may remain in Dr. Hansen's waiting room throughout the duration of the examination, but may not be in the examination room, nor may the plaintiff record the examination in any way. The plaintiff may confer with the third person during any breaks which may occur during the examination;

Scope: The examination may address the plaintiff's psychological/mental health history; address any pre-existing psychological conditions and/or the scope of those pre-existing conditions; address whether the plaintiff suffered any psychological injuries as a result of the incident on April 4, 2008; and address the appropriateness of any mental health care received by the plaintiff to address any injuries sustained as a result of the incident on April 4, 2008;

Person to Perform: The examination shall be performed by Dr. William Hansen.

(2) The Motion for Protective Order [Doc. # 63] is DENIED.

(3) The Motion for Extension [Doc. # 53] is GRANTED, and the case schedule is modified to the following extent:

Discovery Cut-Off: December 1, 2010

Dispositive Motions Deadline: December 1, 2010

Expert Disclosures:

The parties shall designate all rebuttal experts and provide opposing counsel with all information specified in Fed. R. Civ. P. 26(a)(2) on or before October 8, 2010

Dated September 8, 2010.

BY THE COURT:

s/ Boyd N. Boland  
United States Magistrate Judge