

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-00053-MSK-BNB

MAJOR JON MICHAEL SCOTT,

Plaintiff,

v.

THE CITY AND COUNTY OF DENVER,

Defendant.

MINUTE ORDER

Minute Order Entered by Magistrate Judge Boyd N. Boland

Pursuant to the filing of **Plaintiff's Statement of Non-Opposition to Defendant's Motion to Compel Independent Audiological Examination Pursuant to Fed.R.Civ.P. 35** [docket no. 38, filed October 12, 2012],

IT IS ORDERED that the **Motion to Compel Independent Audiological Examination Pursuant to Fed.R.Civ.P. 35** [35] is GRANTED. Plaintiff is to submit to a physical examination performed by Dr. Sandra Gabbard at a time, date and location to be determined. The parties are to cooperate as to the time and date of the exam and arrive at a date that preserves defendant's ability to offer Dr. Gabbard as an affirmative expert, and comply with the resulting reporting requirements.

IT IS FURTHER ORDERED that the hearing on this Motion set for **October 29, 2012**, is **VACATED**.

DATED: October 12, 2012