

**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.

AMENDED ORDER REGARDING PLAINTIFF'S RULE 35 EXAMINATION

Upon consideration of Defendant's Unopposed Motion to Forthwith Amend the Court's Orders (ECF Nos. 57 and 58) Regarding Plaintiff's Rule 35 Examination (ECF No. 95), filed on January 10, 2013, it is

ORDERED that the Motion is GRANTED. The plaintiff shall submit to an examination:

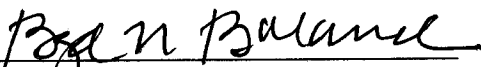
- (a) to occur in Canon City, Colorado, at a location selected by the defendant. The location shall include a secure interview room, which is capable of being monitored, either through a glass partition or by video feed;
- (b) at a date and time as the parties may agree, but no later than January 14, 2013;
- (c) to be conducted by Dr. Brenda Schick;
- (d) to obtain an objective measurement of the plaintiff's ability to communicate and his language skills and to obtain information necessary to rebut the opinions of Dr. Jean Andrews, plaintiff's expert. The examination is not to be conducted in such a manner as to constitute a de facto deposition;

(e) which may be observed by Ms. Lucas in the same manner that it is observed by the plaintiff's guard or jailer. Ms. Lucas may not address the plaintiff or Dr. Schick during the examination and may not make any objection during the course of the examination.

(f) Plaintiff will be returned to the Colorado Territorial Correctional Facility at the conclusion of the examination.

Dated this 11th day of January, 2013.

BY THE COURT:


United States Magistrate Judge