

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 15-cv-00961-PAB-NYW

MICHELLE PEDERSON,

Plaintiff,

v.

AMERICAN FAMILY INSURANCE,

Defendant.

ORDER GRANTING UNOPPOSED MOTION FOR RULE 35 EXAMINATION

Magistrate Judge Nina Y. Wang

This matter is before the court on Defendant's Unopposed Motion for Rule 35 Examination (the "Motion"). [#38, filed December 10, 2015]. The Motion was referred to the court pursuant to the order of referral dated May 28, 2015 [#12] and the memorandum dated December 10, 2015 [#39].

Defendant requests, pursuant to Fed. R. Civ. P. 35, that the court order Plaintiff to attend a proposed medical examination by Dr. George Schakarashwili. [#38 at 4]. Defendant represents that it conferred with Plaintiff and that Plaintiff does not oppose the Motion. [*Id.* at 1].

Pursuant to Fed. R. Civ. P. 35, an order for a physical examination of a party whose physical condition is in controversy may be entered provided that there is good cause for the order and that notice is given to all parties and the person to be examined. The order "must

specify the time, place, manner, conditions, and scope of the examination, as well as the person or persons who will perform it.” *Id.*

The court finds that the plaintiff has placed her medical condition in controversy in this action and that good cause exists for the order. Defendant represents in its Motion that “Plaintiff, Michelle Pederson, claims she sustained physical injuries from a traffic accident on August 17, 2009, involving an underinsured motorist,” and “[s]he claims permanent impairment of function which will affect her ability to work in the future.” [#38 at 2]. Because Plaintiff’s injuries and physical condition are directly at issue in this case, there is good cause for an appropriate physical examination.

Accordingly, the court grants Defendant’s motion and specifies the following regarding the examination. Plaintiff is ordered to attend a physical examination on December 17, 2015 at 1:00 pm, at 2480 West 26th Avenue, Suite 90B, Denver Colorado, 80211. The person who will perform the examination is George Schakarashwili, M.D. Dr. Schakarashwili will perform a physical examination as well as functional analysis regarding plaintiff. Defendant has represented that the examination will take approximately 2 hours, and is instructed that the examination must be terminated no later than 3 hours after it starts. No invasive procedures or x-rays will be performed during the examination.

IT IS ORDERED that the Motion is **GRANTED**.

DATED: December 14, 2015

BY THE COURT:

s/Nina Y. Wang
United States Magistrate Judge