

**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 Regarding Mental Condition and Injuries (the "Motion"). [#43, filed January 7, 2016]. The Motion was referred to the court pursuant to the order of referral dated May 28, 2015 [#12] and the memorandum dated January 7, 2016 [#45].

Defendant requests, pursuant to Fed. R. Civ. P. 35, that the court order Plaintiff to attend a proposed medical examination by Stephen A. Moe, M.D. [#43 at 1]. Defendant represents that it conferred with Plaintiff and that Plaintiff does not oppose the Motion. [*Id.* at 1-2].

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 mental condition and injuries 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 mental and brain 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.” [*Id.* at 2]. Because Plaintiff’s mental condition and injuries are directly at issue in this case, there is good cause for an appropriate medical examination.

Accordingly, the court grants Defendant’s motion and specifies the following regarding the examination. Plaintiff is ordered to attend a physical examination on January 11, 2016 at 10:00 a.m., at IME Inc. 6087 South Quebec Street, Suite 200, Centennial, Colorado 80111. The person who will perform the examination is Dr. Stephen A. Moe. Dr. Moe will perform an interview of Plaintiff which will be tape recorded. 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.

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

DATED: January 8, 2016

BY THE COURT:

s/Nina Y. Wang  
United States Magistrate Judge