

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

PEDRO JOSE VALVERDE and LIDIA  
VALVERDE,

Plaintiffs,

v.

Case No: 2:16-cv-909-FtM-38CM

TARGET CORPORATION,

Defendant.

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**ORDER**

This matter comes before the Court upon review of Defendant's Unopposed Motion for Compulsory Medical Examination of Plaintiff Pedro Jose Valverde ("Valverde") (Doc. 30) filed on August 15, 2017. On December 27, 2016, this case was removed from the Circuit Court of the Twentieth Judicial Circuit in and for Lee County, Florida to this Court. Doc. 1. Plaintiffs filed a Complaint against Defendant, alleging that Valverde slipped and fell on a slippery substance within Defendant's premises.<sup>1</sup> Doc. 2 at 2. As a result of this incident, Plaintiffs allege that Valverde suffered, among other things, bodily injury and resulting pain and suffering. *Id.* Because Valverde's physical condition is in dispute, Defendant seeks to have Christopher Guerin, M.D., conduct a medical examination of Valverde at

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<sup>1</sup> According to the Amended Case Management and Scheduling Order entered on July 11, 2017, Defendant's deadline to disclose expert reports is September 12, 2017, the discovery deadline is November 7, 2017, the mediation deadline is November 14, 2017, the deadline for dispositive motions is December 1, 2017, and a trial term begins on April 2, 2018. Doc. 27 at 1-2.

10:00 a.m. on September 11, 2017 at Dr. Guerin's office. Doc. 30 at 2. Plaintiffs do not object to the requested relief. *Id.* at 3.

Under Rule 35(a) of the Federal Rules of Civil Procedure, the court "may order a party whose mental or physical condition [] is in controversy to submit a physical or mental examination by s suitably licensed or certified examiner." Fed. R. Civ. P. 35(a)(1). Rule 35 further states that the order "may be made only on motion for good cause and on notice to all parties and the person to be examined," and "must specify the time, place, manner, conditions, and scope of the examination, as well as the person or persons who will perform it." Fed. R. Civ. P. 35(a)(2).

Here, by agreeing to a medical examination, Plaintiffs have conceded to the existence of good cause for a medical examination. *Cartrette v. T&J Transport, Inc.*, No. 3:10-cv-277-J-25MCR, 2011 WL 652860, at \*1 (M.D. Fla. Feb. 14, 2011). The Court also finds good cause for a medical examination in light of Valverde's alleged injuries and damages. *See id.*

ACCORDINGLY, it is hereby

**ORDERED:**

1. Defendant's Unopposed Motion for Compulsory Medical Examination of Plaintiff Pedro Jose Valverde (Doc. 30) is **GRANTED**.

2. Plaintiff Pedro Jose Valverde shall subject himself to a medical examination by Christopher Guerin, M.D., which will take place at 10:00 a.m. on September 11, 2017 at the office of Dr. Guerin, 842 Sunset Lake Blvd., Suite 302, Venice, Florida 34292.

**DONE** and **ORDERED** in Fort Myers, Florida on this 24th day of August, 2017.



CAROL MIRANDO  
United States Magistrate Judge

Copies:  
Counsel of record