

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

**JESS LOBAN, as Natural Guardian of
CHRISTIAN LOBAN, a minor, and
COLLIN LOBAN, individually,**

Plaintiffs,

v.

Case No: 8:24-cv-386-MSS-AEP

**THE CONTINENTAL INSURANCE
COMPANY,**

Defendant.

ORDER

THIS CAUSE comes before the Court for consideration of Defendant Continental Insurance Company's Unopposed Motion for Leave to Conduct Compulsory Medical Examination of Plaintiff Christian Loban (the "Motion"). (Dkt. 29)

Federal Rule of Civil Procedure 35(a) provides:

- (1) *In General.* The court where the action is pending may order a party whose mental or physical condition—including blood group—is in controversy to submit to a physical or mental examination by a suitably licensed or certified examiner. The court has the same authority to order a party to produce for examination a person who is in its custody or under its legal control.
- (2) *Motion and Notice; Contents of the Order.* The order:
 - (A) may be made only on motion for good cause and on notice to all parties and the person to be examined; and

(B) 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).


In this action, Plaintiffs Jess Loban, her minor son Christian Loban, and her adult son Collin Loban assert claims against Defendant for damages for injuries arising out of a motor vehicle accident. (Dkt. 1-1) Plaintiffs claim that an uninsured/underinsured motorist negligently and carelessly operated and/or maintained a motor vehicle, resulting in serious injuries to Plaintiffs Christian and Collin Loban. Plaintiffs seek economic and non-economic damages from Defendant Continental Insurance Company, which Plaintiffs allege insured Christian and Collin Loban. In the Motion, Defendant requests the Court require Christian Loban to submit to a medical examination by Laszlo Mate, M.D., at his office located at 4200 West Cypress Street, Suite 750, Tampa, Florida 33607 on December 6, 2024.¹ (Dkt. 29) The Court finds that a physical examination of Plaintiff Christian Loban is appropriate under Fed. R. Civ. P. 35 because Plaintiff Christian Loban has placed his physical condition in controversy. Defendant's Motion details the place, manner, conditions, and scope of the examination, and Defendant certifies that Plaintiffs have no objection to the requested relief. (Id.)

Accordingly, based on the Parties' stipulation and the Court's independent finding of good cause, it is hereby **ORDERED**:

¹ Another date and appropriate time may be coordinated, if necessary, with Plaintiffs' counsel and Dr. Mate based on the Parties' and Dr. Mate's availability.

1. Defendant Continental Insurance Company's Unopposed Motion for Leave to Conduct Compulsory Medical Examination of Plaintiff Christian Loban, (Dkt. 29), is **GRANTED**.
2. Plaintiff Christian Loban shall submit to a medical examination at the location detailed above on December 6, 2024, or on another date agreed upon by the Parties and Dr. Mate. The medical examination is subject to the conditions as described in Defendant's Motion. (Dkt. 29)

DONE and ORDERED in Tampa, Florida this 25th day of November 2024.



MARY S. SCRIVEN
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Counsel of Record
Any Unrepresented Party