

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

TONY PERRIGO,)	
)	
Plaintiff,)	
v.)	
)	
)	Civil No. 08-605-JPG
ANTHONY TUMMINELLO, and)	
PROGRESSIVE BUILDERS, INC.,)	
)	
Defendant.)	

ORDER

PROUD, Magistrate Judge:

Before the Court is defendants’ Motion for Physical Examination. (**Doc. 24**). Plaintiff has not filed a response, and the time for doing so has now expired. The court deems the failure to file a response to be an admission of the merits of the motion, pursuant to **SDIL-LR 7.1**.

Plaintiff alleges that he has suffered “injuries to his left shoulder, arm, hand, neck, back and is suffering from headaches.” **Complaint, attached to Doc. 3, ¶6.d**. Plaintiff’s physical condition is thus in issue.

Defendant has scheduled an examination by Walter Lemann, M.D., who is a neurologist. Based on the allegations of the complaint, the Court finds that Dr. Lemann is suitable to examine the injuries in issue.

Upon consideration and for good cause shown, defendants’ Motion for Physical Examination (**Doc. 24**) is **GRANTED**. Plaintiff is ordered to appear for physical examination by Walter Lemann, M.D., at the time and place set forth in the motion, or at some other mutually agreeable time and place.

Defendant is ordered to reimburse plaintiff for his reasonable expenses incurred in attending the examination, and to supply plaintiff's counsel with a copy of Dr. Lemann's report promptly upon receipt of same.

IT IS SO ORDERED.

DATED: January 13, 2009.

s/ Clifford J. Proud
CLIFFORD J. PROUD
UNITED STATES MAGISTRATE JUDGE