

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ELIZABETH DELOREAN,

Plaintiff,

Case No. 15-cv-13704

Hon. Matthew F. Leitman

v.

COACH, INC.,

Defendant.

**ORDER REGARDING DEFENDANT'S MOTION TO ALLOW RULE 35
MEDICAL EXAMINATION OF PLAINTIFF (ECF #22)**

On May 2, 2016, Defendant Coach, Inc. ("Defendant") filed a motion requesting that the Court order Plaintiff Elizabeth DeLorean ("Plaintiff") to submit to a mental examination pursuant to Rule 35 of the Federal Rules of Civil Procedure (the "Motion"). (*See* ECF #22.) On May 12, 2016, the Court held a hearing on the Motion.

For the reasons stated on the record, **IT IS HEREBY ORDERED** that the Motion is **GRANTED IN PART AND DENIED IN PART AS FOLLOWS**:

1. Plaintiff shall submit to a mental examination, which, at Defendant's option, may consist of:
 - a. A psychological examination by a licensed psychologist (the "Psychological Examination"), and

- b. A psychiatric examination by a licensed psychiatrist (the “Psychiatric Examination”).
2. The Psychological Examination and the Psychiatric Examination (together, the “Examinations”) shall not exceed more than ten (10) hours total. The evaluating psychologist and evaluating psychiatrist shall determine how to apportion the ten hours of examination time between themselves.
3. Plaintiff may elect to hold the Examinations on a single day. However, if (a) it is the professional opinion of the examining psychologist and the examining psychiatrist that the Examinations cannot reasonably be completed in a single day without compromising the integrity and accuracy of the examination process and (b) the examining professionals so state in a sworn affidavit or declaration, then the Examinations shall occur on separate days.
4. The Examinations shall be audiotaped in their entirety.
5. The examining psychologist and examining psychiatrist shall work cooperatively with Plaintiff to schedule the Examinations on a mutually agreeable time and date. This obligation to cooperate in scheduling applies whether the Examinations occur on a single day or on separate days.
6. No attorneys shall be present at the Examinations.

IT IS FURTHER ORDERED that the Motion is **DENIED** in all other respects.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: May 16, 2016

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on May 16, 2016, by electronic means and/or ordinary mail.

s/Holly A. Monda
Case Manager
(313) 234-5113