

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION

BARBARA WOODVINE,)
)
 Plaintiff,)
)
 v.) No. 2:16 CV 27 CDP
)
 CULVER-STOCKTON COLLEGE,)
)
 Defendant.)

MEMORANDUM AND ORDER

Defendant Culver-Stockton College asks that I impose \$2500 in sanctions against plaintiff Barbara Woodvine for her failure to timely appear for a Rule 35 physical examination after becoming lost on her way to the appointment. Culver-Stockton also requests that I compel Woodvine's appearance at a rescheduled appointment and amend the case management order to reflect this change in circumstance. Because I find that Woodvine made a good faith effort to appear at the previously scheduled appointment, the imposition of sanctions would be unjust and I will deny Culver-Stockton's request for such. Nor will I compel Woodvine's appearance at the rescheduled appointment given that she agrees to appear at the stated date, time, and place. However, if there are remaining disputes about the conditions for the exam, the parties must timely notify me so that I may resolve them before the exam. Finally, I will amend the case management order to accommodate this newly scheduled Rule 35 examination.

Accordingly,

IT IS HEREBY ORDERED that defendant Culver-Stockton's Motion for Sanctions, for Order Compelling Physical Examination, and for Amendment of Case Management Order [18] is **DENIED** to the extent Culver-Stockton requests that I impose sanctions and compel Woodvine's attendance at the rescheduled appointment. The motion is **GRANTED** to the extent Culver-Stockton requests that I amend the case management order to accommodate the rescheduled exam.

IT IS FURTHER ORDERED that the parties shall have to and including **March 9, 2017**, by which to complete any Rule 35 examination. If there are any remaining disputes about the conditions for the exam, the parties must meet and confer and file a joint statement detailing these disputes no later than **Wednesday, February 22, 2017**.

In all other respects, the deadlines and schedule set out in the Amended Case Management Order entered December 1, 2016 (ECF #17) remain in full force and effect, including the schedule governing expert witnesses.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 7th day of February, 2017.