

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:09cv384

DONALD C. EMBRY,)
)
Plaintiff/Counterclaim)
Defendant,)

Vs.)

ORDER

SVETLANA MELINETSKIY, as)
Administratrix of the Estate)
of Igor Sergeyevich Melinetskiy,)
deceased,)
)
Defendant/Counterclaimant,)
Third Party Plaintiff, Third)
Party Counter Defendant,)

Vs.)

U.S. XPRESS LEASING, INC.,)
a Tennessee Corporation,)
)
Third-Party Defendant/)
Third-Party Counter-)
claimant,)

and)

U.S. XPRESS, INC., a Nevada Corporation,)
)
Third-Party Defendant.)

_____)

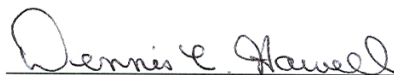
THIS MATTER is before the court on defendant/third-party plaintiff's Motion

for Rule 35 Medical Examination. Having considered defendant/third-party plaintiff's motion and reviewed the pleadings, and it appearing from the pleadings that good cause exists for the examination under Rule 35(a), Federal Rules of Civil Procedure, and that counsel for plaintiff consents to the relief sought, the court enters the following Order.

ORDER

IT IS, THEREFORE, ORDERED that defendant/third-party plaintiff's Motion for Rule 35 Medical Examination (#53) is **GRANTED**, and plaintiff shall appear for a medical examination on November 5, 2010, by Dr. James Hoski at Carolina Spine and Neurosurgery, 7 Vanderbilt Park Drive, Asheville, North Carolina, arriving by 7:30 a.m. for the 8 a.m. appointment. The examination shall be conducted as described in the supporting memorandum.

Signed: October 8, 2010



Dennis L. Howell
United States Magistrate Judge

