

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WASHINGTON

Ryan Day v. Alaska Boat Company, LLC

Day · No. C23-0972-JCC · Decided January 22, 2026

SUMMARY

The United States District Court for the Western District of Washington partially granted and partially denied Alaska Boat Company’s motion to compel Ryan Day to undergo a Rule 35 neuropsychological examination. The Court authorized the examination subject to detailed conditions governing recording, attorney participation, confidentiality, disclosure of raw data and test results, timing, deposition, and permissible questioning.

CASE DETAILS

COURT	United States District Court for the Western District of Washington
WRITING FOR THE COURT	John C. Coughenour
JURISDICTION	United States District Court for the Western District of Washington
DECIDED	January 22, 2026
DOCKET	C23-0972-JCC
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved under Federal Rule of Civil Procedure 35 to compel Plaintiff to undergo an additional neuropsychological examination and sought restrictions concerning recording of the examination and disclosure of the examiner's raw data.
STANDARD OF REVIEW	The Court applied Federal Rule of Civil Procedure 35(a), requiring that the physical or mental condition be in controversy and that good cause exist for the examination.
PRECEDENTIAL VALUE	District court order; precedential status not stated

TOPICS

- discovery dispute
- civil procedure
- jones act
- admiralty

PRACTICE AREAS

- civil procedure
- admiralty
- Jones Act litigation
- expert discovery
- medical examinations

QUESTIONS PRESENTED

1. Whether Defendant established that Plaintiff's physical or mental condition was in controversy and that good cause existed for an additional Rule 35 neuropsychological examination.
2. Whether the interview and testing portions of the examination could be recorded or observed by Plaintiff's counsel or a representative.
3. Whether the examiner was required to disclose raw data, test results, and other materials considered in forming the examiner's opinions.

HOLDINGS

1. Because Plaintiff placed his physical condition in controversy and Defendant demonstrated good cause, Plaintiff must submit to a Rule 35 neuropsychological examination, subject to the conditions imposed by the Court.
2. Only the interview portion of the examination may be attended or recorded by Plaintiff's attorney or a representative; the testing portion must be unobserved and unrecorded, although a legal representative may sit outside the testing room to ensure that environmental distractions do not affect the testing.
3. The examiner must disclose to Plaintiff's counsel or a qualified licensed psychologist the raw data, test results, interpretive manuals, and factual materials considered in forming the examiner's opinions, subject to confidentiality and litigation-use restrictions.

KEY QUOTATIONS

“By the express terms of Rule 35(a), a party’s physical condition must be “in controversy” and the movant must demonstrate “good cause” for the examination.” (at 2)

“Accordingly, only the interview portion must be recorded (and provided to Plaintiff’s counsel)—but no more.” (at 3)

“Federal Rule of Civil Procedure 26(a)(2)(B)(ii) generally requires this.” (at 3)

FACTUAL BACKGROUND

Ryan Day alleges that he suffered serious physical injuries in an accident while working on Alaska Boat Company's vessel. His asserted physical injuries and possible prior cognitive condition were central to the dispute. The parties disagreed over whether the neuropsychological examination could be recorded or observed during testing and whether raw data and test results had to be disclosed to Plaintiff's counsel.

PROCEDURAL HISTORY

Plaintiff brought suit based on physical injuries allegedly sustained while working aboard Defendant's vessel. The Court had previously granted Defendant's motion to compel a neurological examination. Defendant later sought an additional neuropsychological examination after the parties reached an impasse regarding recording and disclosure of examination materials. The Court granted the motion in part and denied it in part, ordering the examination subject to detailed conditions.

DISPOSITION

other

CASES CITED

- Turner v. Imperial Stores, 161 F.R.D. 89, 92 (S.D. Cal. 1995)
- Schlagenhauf v. Holder, 379 U.S. 104, 117, 119 (1964)
- Spaulding v. State Farm Mutual Automobile Insurance Co., 2015 WL 11117848, slip op. at 2 (E.D. Wash. 2015)
- Soto v. United States, 2014 WL 12577594, slip op. at 2 (S.D. Cal. 2014)

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