

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Coleman Elliott v. Autoquip Corporation

Elliott v. Autoquip · No. 2:23-cv-02355-JAM-CKD · Decided February 24, 2025

SUMMARY

The United States District Court for the Eastern District of California resolved a discovery dispute concerning the duration and scope of a Federal Rule of Civil Procedure 35 physical examination. The court limited Dr. Rubenstein’s independent medical examination to four hours and excluded examination of the genital, anal, and rectal areas.

OPINION

1 J. DOMINIC CAMPODONICO (SBN 188035) 2 dcampodonico@grsm.com KRISTIN A. BLOCHER (SBN 283730) 3 kblocher@grsm.com GORDON REES SCULLY MANSUKHANI, LLP 4 315 Pacific Avenue San Francisco, CA 94111 5 Tel: (415) 986-5900 Fax: (415) 986-8054 6 Attorneys for Defendant 7 AUTOQUIP CORPORATION 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF CALIFORNIA 10 11 COLEMAN ELLIOTT,) CASE NO. 2:23-cv-02355-JAM-CKD 12) Plaintiff,) ORDER REGARDING DISCOVERY 13) DISPUTE PERTAINING TO LENGTH vs.) OF TIME AND SCOPE OF PHYSICAL 14) EXAMINATION AUTOQUIP CORPORATION and DOES) 15 1-25)) Complaint filed September 5, 2023 16 Defendants.)) Removed from Superior Court of San 17) Joaquin County, STK-CV-UPL-2023-) 0009514 18 Plaintiff Coleman Elliott and Defendant Autoquip Corporation (the “Parties”) filed on 19 February 20, 2025 a re-notice of motion (“Motion”) for hearing date, along with the Parties’ 20 accompanying Joint Statement Regarding Discovery Dispute (hereinafter, “Joint Statement”).

21 The Motion and Joint Statement relate to the length of time and scope of the physical 22 examination scheduled to take place on February 27, 2025 at 1 p.m. pursuant to Federal Rules 23 of Civil Procedure 35. The parties requested that the Court rule on the papers and without a 24 hearing. Discovery closes February 28, 2025. 25 The court has reviewed the parties’ Joint Statement and the relevant law.

See Narayan 26 v. Compass Group USA, Inc., No. 2:17-cv-00999-MCE-CKD, 2019 WL 265109, *5 (noting 27 that permissible Rule 35 examination was not “overly invasive”).] 1. The amended request regarding discovery dispute (ECF No. 22) is GRANTED; 2 2.

The length of Dr. Rubenstein’s Independent Medical Examination (“IME”) shall be 3 no longer than four hours. Further, the scope of the examination shall be limited to 4 exclude examination of the following specific body parts: genital, anal, or rectal 5 areas. 6 IT IS SO ORDERED. 7 1) BS

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UNITED STATES MAGISTRATE JUDGE 10 11 2 12 13 (14 1s am & 16 17 18 19 20 21 22 23
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