

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.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Carolyn K. Delaney
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	February 24, 2025
DOCKET	2:23-cv-02355-JAM-CKD
DISPOSITION	other
PROCEDURAL POSTURE	The parties submitted a joint statement regarding a discovery dispute concerning the length and scope of a physical examination under Federal Rule of Civil Procedure 35. The court ruled on the papers without a hearing.
STANDARD OF REVIEW	The court reviewed the parties' joint statement and the relevant law in resolving the Rule 35 discovery dispute.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- discovery dispute
- civil procedure

PRACTICE AREAS

- civil procedure
- discovery

QUESTIONS PRESENTED

1. What duration was appropriate for the Rule 35 independent medical examination?
2. What body areas should be excluded from the scope of the physical examination?

HOLDINGS

1. The independent medical examination of Plaintiff by Dr. Rubenstein was limited to no more than four hours.
2. The examination was limited to exclude examination of the genital, anal, and rectal areas.

KEY QUOTATIONS

“The length of Dr. Rubenstein’s Independent Medical Examination (“IME”) shall be no longer than four hours. Further, the scope of the examination shall be limited to exclude examination of the following specific body parts: genital, anal, or rectal areas.” (2)

FACTUAL BACKGROUND

The parties disputed the permissible length and scope of Plaintiff's independent medical examination, scheduled for February 27, 2025. The examination was to be conducted by Dr. Rubenstein under Federal Rule of Civil Procedure 35. Discovery was scheduled to close on February 28, 2025.

PROCEDURAL HISTORY

Plaintiff filed the complaint in San Joaquin County Superior Court, and Defendant removed the action to the Eastern District of California. The parties filed a re-notice of motion and joint statement concerning the scheduled independent medical examination. The court granted the amended discovery-dispute request and imposed limits on the examination.

DISPOSITION

other

CASES CITED

- Narayan v. Compass Group USA, Inc., No. 2:17-cv-00999-MCE-CKD, 2019 WL 265109, at *5