

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

OPINION

Elliott v. Autoquip Corp.

PER CURIAM.

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 ge Fad fol) Ie dad ae 8 || Dated: February 24, 2025 Calf hk. "APs

CAROLYN K. DELANEY

9 UNITED STATES MAGISTRATE JUDGE

10 11 2 12 13 (14 1s am & 16 17 18 19 20 21 22 23 24 25 26 27 28