**Cause#**

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| --- | --- | --- |
| **PLAINTIFF NAME** | **§** | **IN THE DISTRICT COURT**  |
|  | **§** |  |
| **VS.** | **§** | **HARRIS COUNTY, TEXAS** |
|  | **§** |  |
| **DEFENDANT NAME** | **§** | **189TH JUDICIAL DISTRICT** |

**ORDER GRANTING DEFENDANT’S MOTION TO COMPEL**

**MEDICAL EXAMINATION OF PLAINTIFF**

Pending is Defendant ***Possessive Name Defendant*** Motion to Compel Medical Examination of Plaintiff ***Plaintiff Name***.

Motion GRANTED.

It is therefore:

**ORDERED, ADJUDGED AND DECREED** Plaintiff shall submit to interviews, examination and testing to be performed by Dr. ***Name of Doctor*** within 30 days from the date of this Order or as otherwise agreed by the parties. The examination will take place at the office of Dr. ***Name of Doctor***, located at ***Doctor’s address***, subject to the following:

1. Before the exams are scheduled, Dr. ***Name of Doctor*** must provide a letter as to the specific procedures, tests or examinations the doctor intends to undertake.
2. Under Rule 204.2(d), any report of examination shall be provided to Plaintiff’s counsel within thirty (30) days regardless of de-designating the doctor.
3. Dr. ***Name of Doctor*** must be made available for deposition within thirty (30) days of the examination or as otherwise agreed by the parties.
4. The court issues an Order in Limine that this examiner not be referred to in front of the jury or any fact finder as an “independent” expert, but rather, only as the defendant’s expert; in other words, there will be no reference to an “IME,” but instead only to a “DME,” medical examination by Dr. ***Name of Doctor***, or similar language which does not imply Dr. ***Name of Doctor*** is “independent.”
5. The examination should take no more than two (2) hours, not including the time for any agreed to tests. The examination shall occur over the course of no more than two (2) separate days but preferably concluded in one day.
6. Plaintiff may bring a witness to the examination including but not limited to Plaintiff’s counsel and tape record the examination if desired but a family member is preferred. If recorded, Plaintiff’s counsel shall produce a copy of the tape recording to Defendant’s counsel within two weeks of the examination. The doctor’s questioning shall be limited to what is reasonably necessary to conduct a physical examination to determine the nature and extent of Plaintiff’s claimed injuries and how those injuries may or may not be related to the accident in question.

It is so ORDERED.

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Judge Tamika “Tami” Craft

189th Civil District Court