

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

JENNIFER SPARKS and SHANE
SPARKS,

Plaintiffs,

v.

Case No: 2:17-cv-388-FtM-38CM

TARGET CORPORATION,

Defendant.

ORDER

This matter comes before the Court upon review of Target Corporation's Unopposed Motion for Compulsory Medical Examination of Plaintiff Jennifer Sparks (Doc. 27) filed on November 13, 2017. On July 12, 2017, this case was removed from the Circuit Court of the Twentieth Judicial Circuit in and for Lee County, Florida to this Court. Doc. 1. Plaintiffs filed a Complaint against Defendant, alleging that Ms. Sparks slipped and fell on a slippery substance within Defendant's premises. Doc. 2 ¶ 6. As a result of this incident, Plaintiffs allege that Ms. Sparks suffered, among other things, bodily injury and resulting pain and suffering. *Id.* ¶ 10. Because Ms. Spark's physical condition is in dispute, Defendant seeks to have Donn Fuller, M.D., conduct a medical examination of Ms. Sparks at 4:00 p.m. on November 30, 2017 at Dr. Fuller's office. Doc. 27 at 2. Plaintiffs do not object to the requested relief. *Id.* at 4.

Under Rule 35(a) of the Federal Rules of Civil Procedure, the Court "may order a party whose mental or physical condition [] is in controversy to submit a physical

or mental examination by a suitably licensed or certified examiner.” Fed. R. Civ. P. 35(a)(1). Rule 35 further states that the order “may be made only on motion for good cause and on notice to all parties and the person to be examined,” and “must specify the time, place, manner, conditions, and scope of the examination, as well as the person or persons who will perform it.” Fed. R. Civ. P. 35(a)(2).

Here, by agreeing to a medical examination, Plaintiffs have conceded to the existence of good cause for a medical examination. *Cartrette v. T&J Transport, Inc.*, No. 3:10-cv-277-J-25MCR, 2011 WL 652860, at *1 (M.D. Fla. Feb. 14, 2011). The Court also finds good cause for a medical examination in light of Ms. Sparks’ alleged injuries and damages. *See id.*

ACCORDINGLY, it is hereby

ORDERED:

1. Target Corporation’s Unopposed Motion for Compulsory Medical Examination of Plaintiff Jennifer Sparks (Doc. 27) is **GRANTED**.

2. Plaintiff Jennifer Sparks shall subject herself to a medical examination by Don Fuller, M.D., which will take place at 4:00 p.m. on November 30, 2017 at the office of Deiorio, Beaulieu, and Fuller, MD, PA, 657 Del Prado Blvd. S., Cape Coral, Florida 33990.

DONE and **ORDERED** in Fort Myers, Florida on this 16th day of November,
2017.


CAROL MIRANDO
United States Magistrate Judge

Copies:
Counsel of record