

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

TAMARA FORTUNE,

Plaintiff,

v.

Case No: 2:18-cv-89-FtM-99CM

TARGET CORPORATION,

Defendant.

ORDER

This matter comes before the Court upon review of Target Corporation's Unopposed Motion for Compulsory Medical Examination of Plaintiff Tamara Fortune, filed on April 11, 2018. Doc. 14. This case involves Plaintiff's alleged physical injuries she sustained as a result of her fall at a Target in Collier County, Florida. *Id.* at 1; *see also* Doc. 2 at 2-3. Defendant seeks to have Dr. Donn Fuller, M.D., conduct a physical examination of Plaintiff on June 19, 2018 because Plaintiff's physical condition is in controversy here. Doc. 14 at 2. Plaintiff does not object to the requested relief. *Id.* at 2-3.

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 physical examination, Plaintiff has conceded to the existence of good cause for the 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 physical examination given Plaintiff’s alleged injuries. *See id.* Therefore, the Court directs Plaintiff to attend and undergo a physical examination by Dr. Fuller at the provided location and time.

ACCORDINGLY, it is

ORDERED:

1. Target Corporation’s Unopposed Motion for Compulsory Medical Examination of Plaintiff Tamara Fortune (Doc. 14) is **GRANTED**.

2. Plaintiff shall submit to a physical examination by **Dr. Donn Fuller**, M.D. on **June 19, 2018 at 4:00 pm** at Dr. Fuller’s office located at **657 Del Prado Blvd. S., Cape Coral, FL 33990**.

DONE and **ORDERED** in Fort Myers, Florida on this 12th day of April, 2018.


CAROL MIRANDO
United States Magistrate Judge

Copies:
Counsel of record