

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
OCALA DIVISION

KENNETH J WINDT,

Plaintiff,

v.

Case No: 5:23-cv-466-GAP-PRL

GEICO GENERAL INSURANCE  
COMPANY and THE TRAVELERS  
INDEMNITY COMPANY OF  
CONNECTICUT,

Defendants.

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ORDER

On the day before the exam was set to take place, the parties filed what they styled a Joint Stipulation Regarding Compulsory Medical Examination and Compliance with Rule 35. (Doc. 31). In the stipulation, the parties requested that the Court enter an Order for Dr. Faissal Zahrawi, M.D to conduct a compulsory medical examination on the Plaintiff as provided under Rule 35 of the Federal Rules of Civil Procedure. While the parties agreed for the Plaintiff to submit to a compulsory medical examination, the stipulation indicates that Plaintiff's medical examination with Dr. Faissal Zahrawi, M.D was scheduled for November 5, 2024. Accordingly, the stipulation (Doc. 31) is **DENIED as moot**.

If the parties file a new stipulation, they should consider that it normally takes more than a day for the Court to learn of the motion, review it, and determine its outcome. They should also be advised that Fed. R. Civ. P. 35(a)(2) provides that an order for a physical or mental examination "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.”

**DONE** and **ORDERED** in Ocala, Florida on November 12, 2024.



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PHILIP R. LAMMENS  
United States Magistrate Judge

Copies furnished to:

Counsel of Record  
Unrepresented Parties