

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

SCOTT RAGO,

Plaintiff,

v.

Case No. 8:24-cv-778-SDM-AAS

**USAA CASUALTY INSURANCE
COMPANY,**

Defendant.

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ORDER

Defendant, USAA Casualty Insurance Company (USAA) moves to compel a Rule 35 physical examination of Plaintiff Scott Rago. (Doc. 18). This request is unopposed. (*Id.* at p. 4).

Rule 35(a) requires a party to file a motion demonstrating good cause and allows the court to enter an order for a physical or mental examination when a party's mental or physical condition "is in controversy." Fed. R. Civ. P. 35(a)(1). Mr. Rago sues USAA for injuries from a motor vehicle incident on December 3, 2022. Mr. Rago's physical condition in controversy and good cause exists for a physical examination.

Federal Rule of Civil Procedure 35(a) requires a party requesting to compel such an examination to specifying "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). USAA’s motion contains the requisite criteria.

Accordingly, USAA’s amended motion to compel compulsory medical examination of Mr. Rago (Doc. 18) is **GRANTED**. Mr. Rago must appear at 603 7th Street South, Suite 450, St. Petersburg, FL 33701, on December 11, 2024, at 11:00 a.m. for an examination by Dr. Clinton B. Davis.

USAA’s previously filed motion to compel compulsory medical examination of Mr. Rago (Doc. 15) is **DENIED as moot**.

ORDERED in Tampa, Florida on November 5, 2024.



AMANDA ARNOLD SANSONE
United States Magistrate Judge