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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

SULEIMAN ABDULLAH SALIM, et al.,	}	
Plaintiffs,	}	No. CV-15-0286-JLQ
vs.	}	ORDER RE: MOTION TO COMPEL
	}	IMEs AND DEPOSITIONS AND
	}	RELATED MOTIONS
JAMES E. MITCHELL and JOHN JESSEN,	}	
Defendants.	}	

BEFORE THE COURT are Defendants' Motion to Compel IME's and Depositions (ECF No. 97), Defendants' Motion to Seal (ECF No. 102), Defendants' Motion to Extend Deadlines (ECF No. 109), and the Motion to Expedite (ECF No. 110). The Motion to Compel is not yet fully briefed, with the Reply brief due by December 7, 2016, pursuant to Local Rule 7.1. However, all four Motions are interrelated, and Defendants have asked to expedite their Motion to Extend the expert report deadline.

Plaintiffs timely filed their expert witness list on November 21, 2016. (ECF No. 107). Plaintiffs disclosed seven experts, presumably on varying subject matters. The court has not seen the expert reports, but the experts include medical doctors, an expert with a J.D. degree, at least one psychologist, and others with Ph.D's. Defendants seek an extension of time to disclose the reports of their experts who propose to conduct medical exams pursuant to Fed.R.Civ.P. 35. The Motion to Compel identifies Joseph Zuckerman, M.D.; Joseph Carter, M.D.; and Roger Pitman, a licensed psychiatrist, as the defense experts who would conduct examinations. (ECF No. 97, p. 6-7). The Motion to

1 Extend and proposed Order thereon seeks an extension of time “within which to produce
2 a Fed.R.Civ.P. 26(a)(2)(B) report from each of their experts that conducts an IME.” (ECF
3 No. 109-1). The Motion does not appear to seek relief from the Scheduling Order’s
4 requirement that Defendants “shall file and serve a list of expert witnesses” by December
5 12, 2016. (ECF No. 59, p. 2).

6 The parties dispute the scope of the Rule 35 exams, and other aspects of the
7 manner in which they should be conducted. The court does not address the substance of
8 the Motion to Compel at this time, as it is not fully briefed. However, Defendants
9 represent the Plaintiffs consent to the extension of the expert deadline. In opposition to
10 the Motion to Compel, Plaintiffs state: “Plaintiffs do not oppose that portion of
11 Defendants’ motion extending the time for filing pertinent expert report, and replies
12 thereto.” (ECF No. 111, p. 5). Accordingly,

13 **IT IS HEREBY ORDERED:**

14 1. Defendants' Motion to Expedite (ECF No. 110) consideration of the requested
15 deadline extension is **GRANTED**.

16 2. Defendants’ Motion to Extend (ECF No. 109) the expert report disclosure
17 deadline as to experts who conduct Rule 35 medical exams is **GRANTED**.

18 3. Defendants shall have until 14 days after a medical examination or deposition
19 of Plaintiff(s) is completed within which to produce a Fed.R.Civ.P. 26(a)(2)(B) report
20 from each expert who conducts a medical exam.

21 4. Defendants shall serve and file their list of expert witnesses by **December 12,**
22 **2016**, as previously ordered.

23 5. Plaintiffs shall have until two-weeks after service of a report from Defendants
24 to serve a rebuttal expert report(s).

25 6. Defendants unopposed Motion to Seal (ECF No. 102) pertaining to documents
26 which contain medical information about the Plaintiffs and which the parties agreed to
27 consider “confidential” during discovery is **GRANTED**. The Clerk is directed to file the

1 proposed sealed documents at ECF No. 103 under seal.

2 7. After briefing is completed on Defendants' Motion to Compel IME's and
3 Depositions (ECF No. 97), the court will either issue a written decision, or if it
4 determines oral argument would be beneficial, set the matter for oral argument.

5 **IT IS SO ORDERED.** The Clerk shall enter this Order and furnish copies to
6 counsel.

7 Dated this 2nd day of December, 2016.

8 s/ Justin L. Quackenbush
9 JUSTIN L. QUACKENBUSH
10 SENIOR UNITED STATES DISTRICT JUDGE
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