CARLOS DEWAYNE THOMAS, SR. : NUMBER: 525,002, “B”

and GWENDOLYN THOMAS

 Husband and Wife

VERSUS : FIRST JUDICIAL DISTRICT COURT

JPS CORPORATION, DEALERS

TRUCK EQUIPMENT CO., INC. : CADDO PARISH, LOUISIANA

**JUDGMENT ON JPS CORPORATION’S**

**MOTION TO COMPEL INDEPENDENT MEDICAL**

**EXAMINATION BY NEUROPSYCHOLOGIST**

 Having considered the Motion to Compel Independent Medical Examination filed by JPS Corporation on September 18, 2011, plaintiff’s opposition memorandum filed November 23, 2011; oral arguments of counsel on December 5, 2011, the entire suit record, applicable law and for reasons assigned[[1]](#footnote-1), the Court concludes that the motion has merit and is therefore granted.

 Accordingly:

 **IT IS ORDERED, ADJUDGED AND DECREED that JPS Corporation’s Motion to Compel Independent Medical Examination by Neuropsychologist is granted.**

 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the request for attorney’s fees on this disputed issue is denied.**

 Signed this 6th day or December, 2011 in Shreveport, Caddo Parish, Louisiana.

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 SCOTT J. CRICHTON

 DISTRICT JUDGE

DISTRIBUTION:

B. Trey Morris, Counsel for Carlos Dewayne Thomas, Sr. and Gwendolyn Thomas

Dustin G. Flint, Counsel for Intervenor Fire & Casualty Insurance Company

Michael J. Remondet, Jr., Counsel for JPS Corporation

1. In light of the fact that the plaintiff has recently been evaluated by a neuropsychologist, Dr. Gary Mears, and that Dr. Mears has rendered various opinions, the Court believes that the right to an IME by defendant, JPS Corporation, is triggered and the applicable La. C.C.P. art. 1464 justifies granting of the motion. The *Daigle v. City of Shreveport*, 46,429 (La. App. 2 Cir. 10/5/11) language cited by plaintiff counsel is not legal authority applicable in this case to prelude an I.M.E. Nonetheless, the Court does believe that defense counsel has established the gravity of the physical and mental issues in controversy and has demonstrated good cause for the I.M.E. by Dr. Kevin Bianchini. [↑](#footnote-ref-1)