

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

STEPHEN BEIGHTLER,)
)
 Plaintiff,)
)
 vs.) No. 2:07-cv-02532-DV
)
)
 SUNTRUST BANKS, INC.)
)
 Defendant.)

ORDER GRANTING DEFENDANT'S MOTION TO COMPEL EXAMINATION OF
PLAINTIFF PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 35

Before the Court is a motion by Defendant SunTrust Banks, Inc. ("SunTrust") for entry of an order providing for mental examinations of Plaintiff Stephen Beightler ("Beightler") pursuant to Federal Rule of Civil Procedure 35.

Pursuant to Local Rule 7.2(a)(2), responses to motions in civil cases are to be filed within fifteen days after service of the motion, and the time for responding has expired. Rule 7.2(a)(2) further provides that "[f]ailure to respond timely to any motion. . . may be deemed good grounds for granting the motion."

In the absence of any response by Beightler, Sun Trust's motion to compel is GRANTED. Beightler is to be examined separately by a psychiatrist and a psychologist. The examinations will occur in Memphis, Tennessee, within forty-five days of the

date of this Order. The examining psychiatrist and psychologist will both be affiliated with the group Associates in Psychology and Psychiatry, 5170 Sanderlin Avenue, Suite 204, Memphis, Tennessee, 38117. The scope of each examination is as follows: (1) a general assessment of Beightler's present mental health condition, (2) an assessment of Beightler's claims of emotional distress, depression, withdrawal, anger, and anxiety, and (3) an assessment of whether Beightler had any preexisting mental disorders.

IT IS SO ORDERED this 1st day of April, 2008.

s/ Diane K. Vescovo

DIANE K. VESCOVO

UNITED STATES MAGISTRATE JUDGE