

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND  
Civil Division

Plaintiff,

v.

Defendant

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Case No.

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**ORDER**

Upon consideration of [redacted]'s Motion to Extend the Discovery Deadline and Motion to Compel Physical Examination, the Plaintiff's Opposition thereto, and argument of counsel, it is on this 9th day of

February 2011, HEREBY ORDERED:

1. That [redacted]'s Motion To Extend the Discovery Deadline and Motion to Compel Physical Examination is Granted;
2. The discovery deadline is extended to March 25, 2011, for the purposes of the Plaintiff submitting to a physical examination under Maryland Rule 2-423, by [redacted], and to permit the Plaintiff to engage in certain discovery as outlined below;
3. That [redacted] shall obtain the below listed documents and provide those documents to Plaintiff's attorney on or before February 23, 2011:
  - a. Copies of the income tax returns of [redacted]; [redacted], and [redacted], for the tax years 2009 and 2010 ( if the income tax returns for the tax year 2010 are not yet prepared, then the tax returns for the years 2008 and 2009

**ENTERED**

FEB 17 2011

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shall be provided) only to the extent that the income tax returns contain information that pertain to income generated by

for medical - legal services, which include but are not limited to: peer reviews; "independent" medical examinations; services made at the request of insurance companies, automobile insurance funds, defense attorneys, workers compensation carriers, governmental agencies; compensation for testimony either in court or via videotape deposition in any civil case such as personal injury and worker's compensation cases. Any other non medical-legal income that is reflected in the income tax returns may be redacted from the tax returns.

b. Copies of all 1099 forms for the tax years 2009 and 2010 from any legal entity, person, law firm, issued to personally, or to his medical practices known as and , for any medical - legal services performed by

c. Copies of all accounts receivables ledgers (to include any computer generated ledgers ) for the tax years 2009 and 2010 for personally, and for his medical practices known as

, and located at

, to be categorized to reflect any and all entities that personally and his

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medical practices billed for medical - legal services performed by  
which include but are not limited to: peer  
reviews; "independent" medical examinations made at the request of  
insurance companies, automobile insurance funds, defense attorneys,  
workers compensation carriers, governmental agencies; compensation  
for testimony either in court or via videotape deposition in any civil  
case such as personal injury and worker's compensation cases. The  
documents should reveal the amounts billed/charged to any legal entity  
to include any defense law firm, insurance carrier, and the amount of  
money received from any legal entity to include any defense law firm,  
insurance carrier for medical - legal work performed by

(The legal entities shall include but are not limited to the 29  
legal entities listed in Exhibit 1 attached hereto, as Dr. has  
already represented that he received monetary compensation from  
those legal entities for medical evaluations he performed, and shall  
include but are not limited to the law firms / insurance carriers who  
paid him for his testimony in those civil cases listed in Exhibit 2  
attached hereto.)

4. The documents provided to the Plaintiff's attorney under this court  
order shall not be photocopied, reproduced, or disseminated to any other  
person, and shall be used solely by the Plaintiff's attorney for the  
representation of the Plaintiff in the case at bar to the extent permitted  
under Maryland Law and the applicable Maryland Rules of Evidence.

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Plaintiff's counsel is also precluded from revealing the monetary figures contained in the documents provided under this court order to any other person, except to the extent required for the representation of the Plaintiff in the case at bar and in accordance with Maryland Law and the Maryland Rules of Evidence. At the conclusion of the case at bar, and following any appeal taken by any party, all documents produced under this court order shall be returned to Defense counsel.

5. In the event that all of the documents listed above are not provided to Plaintiff's attorney on or before February 23, 2011, the Plaintiff shall not be required to attend any physical examination.
6. That provided that all of the documents as listed above are provided to Plaintiff's attorney on or before February 23, 2011, the Plaintiff shall appear for a physical examination to be conducted by

at his office located at.

under the following terms and

conditions:

- a. The exam shall be conducted during the first week of March 2011, on a day and time to be agreed upon by counsel and in accordance with Dr.            schedule.            shall be responsible for all costs associated with the exam.
- b. That the Plaintiff shall be permitted to be accompanied by one other person (relative, friend, nurse) during the exam and this person will only be permitted to observe the examination.

**ENTERED**

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- c. That the examination will be limited to an orthopedic examination and no radiology studies/tests ( i.e. x-rays, MRI's C.T. scans ) will be taken of the Plaintiff during this examination.
- d. That this is the only examination that the Plaintiff will be required to undergo.
- e. That no person will refer to this examination as anything other than a "physical examination".
- f. That within one week following the physical examination, and no later than March 11, 2011, [redacted] will provide the Plaintiff's attorney a written report from Dr. [redacted] that contains all of Dr. [redacted]'s opinions and the factual basis for his opinions.
- g. That the Plaintiff may take the discovery deposition of Dr. [redacted] following receipt of Dr. [redacted] written report, but no later than March 25, 2011.
- h. That the Plaintiff shall pay to Dr. [redacted] a reasonable fee to appear at the Plaintiff's discovery deposition.

JUDGE / CIRCUIT COURT FOR MONTGOMERY COUNTY

**ENTERED**

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