

IN THE CIRCUIT COURT OF GREENE COUNTY, MISSOURI

RANDY LEA,)
)
 Plaintiff,)
)
 vs.) Case No. 104CC4434
)
 CHRISTOPHER ARMS, and)
 CHRISTOPHER JOHNSON,)
)
 Defendants.)

ORDER FOR PHYSICAL EXAMINATION PURSUANT TO RULE 60.01

On the 3rd day of January, 2005, the court took up Defendant Christopher Johnson's motion for physical examination pursuant to Rule 60.01 and plaintiff Randy Lea's motion for protective order pursuant to Rule 56.01(c). The motion for protective order filed by plaintiff requests that plaintiff be allowed to videotape the physical examination being requested by Defendant Johnson in the event that the court finds good cause for such examination pursuant to Rule 60.01. On January 25, 2005 the parties again appeared before the court to address when the examination would be conducted. Plaintiff requested that the examination not take place until March 28, 2005 so that Mr. Lea would not be forced to miss work. Defendant Johnson requested that the examination take place sooner.

The court finds that Defendant Johnson has shown good cause for a physical examination pursuant to Rule 60.01.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Plaintiff Randy Lea submit to a physical examination by Dr. Joel Jeffries at Progressive Spine Care & Rehab, 3301 Berrywood, Suite 101, Columbia, MO 65201. At plaintiff's request the

examination will take place at 8:00 a.m. on Monday, March 28, 2005. The examination shall consist of an examination of Plaintiff Randy Lea's neck and back and such diagnostic procedures as Dr. Jeffries believes are necessary to render a full and complete opinion in this case. The examination shall include an appropriate history from plaintiff, Randy Lea, regarding any previous injuries to his neck and/or his back and any previous medical condition which has in any way affected those parts of his body.

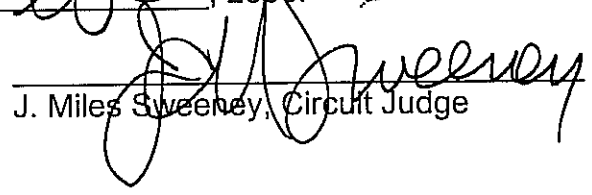
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant Johnson shall compensate Mr. Lea for his mileage to and from Columbia at the standard Internal Revenue Service rate for mileage reimbursement, which is currently 40.5 cents per mile. The mileage shall not exceed a total of 400 miles. In addition, Defendant Johnson shall reimburse Randy Lea for reasonable hotel and meal expenses not to exceed One-Hundred Fifty and 00/100 dollars (\$150.00).

With respect to Plaintiff Randy Lea's Motion For Protective Order, the court finds that the request to video tape the examination is a reasonable condition upon which the examination shall take place.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the physical examination conducted by Dr. Jeffries shall be videotaped by Verbatim Video Services, an independent videographer. Plaintiff Randy Lea shall bear the expense for the videotape recording of the examination, and shall provide a copy of the tape recording to counsel for Defendant Johnson, immediately upon receipt of such tape of the examination, and shall provide a copy of the tape recording to any other party who requests it. This order is not meant to alter the requirements of Rule 60.01. By allowing the videotape recording of the physical examination, the court is making no determination as to the admissibility in

evidence of the tape recording in the event that this matter shall proceed to trial.

Dated this 15 day of Feb, 2005.



J. Miles Sweeney, Circuit Judge