

DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

GLORIA WASHINGTON,

Plaintiff,

v.

**HOVENSA, L.L.C., and TRIANGLE
CONSTRUCTION AND MAINTENANCE,
INC.,**

Defendants.

1:06-cv-97

**TO: Mary Faith Carpenter, Esq.
Linda J. Blair, Esq.
David J. Cattie, Esq.**

ORDER

THIS MATTER came before the Court upon Defendant Triangle Construction and Maintenance, Inc.'s Emergency Motion For Physical Examination of Gloria Washington at Plaintiff's Expense and to Have Plaintiff Pay the Cancellation Fee For the Cancelled Examination (Docket No. 112). Plaintiff filed an opposition to said motion, and said Defendant filed a reply thereto.

Said Defendant alleges that Plaintiff unilaterally cancelled a previously agreed to physical examination by Dr. Walter Pedersen on the date of the scheduled examination. Although Plaintiff disagrees as to the actual time Plaintiff called to cancel the appointment,

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she admits that it occurred on the date that the examination was scheduled. Said Defendant seeks reimbursement of the cancellation fee charged by Dr. Pedersen for his inconvenience.

In addition, said Defendant claims that, after cancelling her examination by Dr. Pedersen, she agreed to be examined by Dr. Chase. However, during the said examination, Plaintiff refused to allow X-rays to be taken. Said Defendant requests the Court to order Plaintiff to return to Dr. Chase, at her own expense, for the X-rays and completion of the examination.

Based upon the foregoing, the Court finds that said Defendant is entitled to be reimbursed for the cancellation fee charged by Dr. Pedersen. The Court further finds that Plaintiff's refusal to have X-rays taken during her physical examination by Dr. Chase was unjustified. Consequently, the Court will order Plaintiff to return to Dr. Chase, at her own expense, to have the X-rays taken and for the completion of the physical examination.

Accordingly, it is now hereby **ORDERED**:

1. Defendant Triangle Construction and Maintenance, Inc.'s Emergency Motion
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Have Plaintiff Pay the Cancellation Fee For the Cancelled Examination (Docket No. 112) is **GRANTED**.

2. Plaintiff shall, within ten (10) days from the date of entry of this Order, pay to said Defendant the sum of **\$150.00** for the fee charged by Dr. Pedersen for the cancellation of the June 22, 2009, examination.
3. Plaintiff shall, at the earliest date available, return to Dr. Chase and have X-rays taken and the physical examination by Dr. Chase completed. Plaintiff shall bear all travel costs and expenses related to returning to Dr. Chase's office.

ENTER:

Dated: July 24, 2009

/s/ George W. Cannon, Jr.
GEORGE W. CANNON, JR.
U.S. MAGISTRATE JUDGE