

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**HELEN POLITZ**

**PLAINTIFF**

**VERSUS**

**CIVIL ACTION NO. 1:08cv18-LTS-RHW**

**NATIONWIDE MUTUAL FIRE  
INSURANCE COMPANY, *et al.***

**DEFENDANTS**

**ORDER**

Before the Court is [344] Nationwide's May 26, 2009 motion for mental examination of plaintiff pursuant to Fed. R. Civ. P. 35. Pursuant to the Court's order expediting time for response to the motion, Plaintiff filed [347] her response on June 1, 2009. The Court has reviewed prior proceedings, particularly the orders of the District Judge ruling that although Mrs. Politz will not be allowed to "venture her opinion that she suffered the medical condition of clinical depression," she would not be precluded from testifying "about the effect the defendant's conduct had on her emotionally and mentally." [293] It therefore appears that Plaintiff's mental distress claim remains viable, although unsupported by expert medical evidence. That being the case, the Court finds that Nationwide's motion for mental examination should be granted. It is therefore,

**ORDERED**, that Plaintiff shall present herself at the offices of Watkins Ludlam Winters and Stennis, 2510 14<sup>th</sup> Street, Suite 1125, Gulfport, MS, at 10:00 a.m. on June 25, 2009, for mental examination by Dr. Mark Webb of the Mississippi Neuropsychiatric Clinic.

**SO ORDERED**, this the 1<sup>st</sup> day of June, 2009.

*/s/ Robert H. Walker*

ROBERT H. WALKER  
UNITED STATES MAGISTRATE JUDGE