

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MARTIN E. PITTMAN, SR. and : CIVIL ACTION  
JOANN N. PITTMAN :  
 :  
v. :  
 :  
W.W. TRANSPORT, INC. and :  
JESSIE LEE CLAY : No. 01-882

MEMORANDUM ORDER

Defendants have filed a Motion to Compel Against Plaintiffs Martin E. Pittman, Sr. and Joann N. Pittman (Doc. #17) in which they ask the court to compel a psychiatric examination of plaintiff Martin Pittman, to compel Mr. Pittman to authorize Reading Hospital to release drug screening records to defendants and to identify individuals who were present with Mr. Pittman during the weekend before the subject accident.

The discovery deadline was September 22, 2001. Defense counsel did not request a psychiatric examination until eight days later. While this should have been done earlier or at least accompanied by a motion to extend discovery, the request came very shortly after the close of discovery and a month before the trial pool date. Further, the discovery period has now been extended to November 30, 2001, albeit for other reasons. Plaintiffs claim that Mr. Pittman suffers from post-traumatic stress disorder as a result of the vehicular accident giving rise to this action and propose to call a psychiatrist. While defendants should have proceeded with more alacrity, they would

be significantly disadvantaged without the requested examination and there is no demonstrable prejudice to plaintiffs from proceeding with the examination during the extended discovery period.

Mr. Pittman provided records from a drug test performed by his employer and authorized the Social Security Administration to release medical information to defendants. Defendants timely requested that plaintiffs provide the Reading Hospital drug screening records and repeated that request without response. These records may be highly probative as Mr. Pittman tested positive for cocaine and marijuana in a test by his employer shortly after the accident. Plaintiffs have simply ignored this request and failed to justify why the court should not enforce it.

As to the names of the individuals with whom Mr. Pittman spent the weekend preceding the accident, he was asked by defense counsel at his deposition to provide this information and answered under oath that he did not know the names of the people he was with during this weekend. Defense counsel is reasonably skeptical. Mr. Pittman said he was at a bachelor party that weekend but could not recall the name of a single person present except for someone named "Chris." It seems most improbable that Mr. Pittman could not at least recall the name of the host, guest of honor or other person who invited him.

**ACCORDINGLY**, this                    day of October, 2001, upon consideration of defendants' Motion to Compel (Doc #17) and plaintiffs' response, **IT IS HEREBY ORDERED** that said Motion is **GRANTED** in that plaintiff Martin Pittman shall appear for examination by defendants' psychiatrist at a time to be mutually agreed upon if possible, but in any event no later than November 30, 2001; Mr. Martin shall forthwith authorize release of the requested Reading Hospital records and shall forthwith identify the persons with whom he spent the weekend preceding his accident or provide an affidavit verifying that he has been unable to recollect any of these individuals.

**BY THE COURT:**

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**JAY C. WALDMAN, J.**