

Colorado Supreme Court 2 East 14th Avenue Denver, CO 80203	DATE FILED January 5, 2026
Original Proceeding District Court, Jefferson County, 2024CV31734	
<b>In Re:</b>	
<b>Plaintiff:</b>	Supreme Court Case No: 2025SA281
Spring Charlson,	
v.	
<b>Defendant:</b>	
Julie Pribble.	
ORDER OF COURT - AMENDED	

Upon consideration of the Petition for Rule to Show Cause, the response filed by Respondent, and Petitioners' reply, and being sufficiently advised in the premises,

**IT IS HEREBY ORDERED** as follows:

The Order to Show Cause issued by this Court on September 25, 2025 is hereby MADE ABSOLUTE, and the District Court's September 11, 2025 Order, which granted Respondent's request for an additional C.R.C.P. 35(a) examination, is hereby vacated.

This court has long recognized that generic damage claims for mental

suffering are insufficient to place a litigant's mental condition "in controversy" for purposes of determining whether that litigant should be subject to a medical examination pursuant to C.R.C.P. 35(a). *See Tyler v. District Court*, 193 Colo. 31, 34, 561 P.2d 1260, 1262-63 (1977). Petitioner has asserted claims for negligence and negligence per se. She seeks damages for her alleged low back injury, an alleged concussion which she testified during her deposition has long since resolved, and what she describes as "generic, garden variety pain and suffering."

None of these claims put Petitioner's mental condition at issue. She has also not waived her physician-patient privilege. *See Alcon v. Spicer*, 113 P.3d 735, 73940 (Colo. 2005). The District Court nonetheless granted Respondent's request to require Petitioner, over her objection, to submit to an additional C.R.C.P. 35(a) examination with a neuropsychiatrist to explore whether there is a "somatic psychologic origin" that explains the source of Petitioner's complaints. In doing so, the District Court erred because it was Respondent, not Petitioner, who put Petitioner's mental condition at issue.

Accordingly, we hereby make our Order to Show Cause absolute, we vacate the District Court's September 11, 2025 order, and we remand this case to the District Court for further proceedings consistent with this Order.

Orders issued without an opinion, like this one, are deemed unpublished and may not be cited as precedent.

BY THE COURT, EN BANC, JANUARY 5, 2026.