

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION ONE

JAMES LUTES,)	No. ED100381
)	
Respondent,)	Appeal from the Circuit Court
)	of the City of St. Louis
vs.)	
)	Honorable David L. Dowd
HONORABLE LEE B. SCHAEFER,)	
)	
Appellant.)	FILED: May 20, 2014

This is an appeal from the entry of a writ of prohibition, by the City of St. Louis Circuit Court ("circuit court"), ordering the Division of Workers' Compensation Administrative Law Judge, Lee B. Schaefer ("Judge Schaefer"), to quash the Missouri Second Injury Fund's ("SIF") notice of deposition related to vocational rehabilitation expert Stephan Dolan ("Dolan").

REVERSED AND REMANDED.

Division One Holds: Administrative law judges are vested with the authority to permit the Second Injury Fund to depose non-physician experts, specifically vocational rehabilitation experts, who merely conducted a "records review." Because a "records review" does not equate to an "examination," the circuit court erred in issuing a writ of prohibition ordering Judge Schaefer to quash the SIF's notice of deposition for Dolan.

Opinion by: Roy L. Richter, P.J.
Clifford H. Ahrens, J., and Glenn A. Norton, J., concur

Attorneys for Appellant: CHRIS KOSTER, Jeremiah J. Morgan, Adam T. Sandberg
Attorneys for Respondent: Susan Roach, W. Edwin Roussin

**THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT.
IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND
SHOULD NOT BE QUOTED OR CITED.**