

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

DR. TOBY TYLER WATSON,

Relator,

v.

JENNIFER KING VASSEL,

Defendant.

Case No. 11-CV-236-JPS

ORDER

The Court granted summary judgment in this case on October 23, 2012, dismissing the claims of the relator, Dr. Toby Tyler Watson, against the remaining defendant, Jennifer King-Vassel, as well as other defendants. Watson appealed that judgment. (Docket #69). In doing so, he dismissed his appeal against all of the defendants other than King-Vassel. (Docket #97). With only King-Vassel remaining, the Seventh Circuit reversed this Court's grant of summary judgment and remanded the case for further proceedings. *Watson v. King-Vassel*, No. 12-3671 (7th Cir. Aug. 28, 2013). Thus, the Court now has before it Watson's *qui tam* action against King-Vassel, in which he asserts that King-Vassel prescribed medications to Medicaid recipients for off-label purposes, effectuating a false claim on the government, which is in a posture for trial.

The parties have filed various motions, including a motion for an extension of discovery deadlines (Docket #101) and a motion to alter the trial date (Docket #107). The Court begins by noting that it will deny the motion to alter the trial date. Under Rule 1 of the Federal Rules of Civil Procedure, the Court is charged with ensuring the "just, speedy, and inexpensive

determination of every action and proceeding.” Fed. R. Civ. P. 1. Aside from the fact that putting the trial date off will result in undue time delay, the Court also notes that delaying a trial will quite possibly lead to the issues becoming less fresh for the litigants and lead to higher expenses. In sum, the just, speedy, and inexpensive determination of this action is best accomplished through a trial beginning on the date previously set by the Court. The Court is aware of defendant’s counsel’s scheduling conflict, but believes that he will be able to make appropriate arrangements to ensure that he is able to try this case despite his prior commitments. Accordingly, the Court will deny King-Vassel’s motion to amend the trial date. (Docket #107).

As to the extension of discovery deadlines, the Court’s standard practice is to allow the parties to work together to set discovery dates. The Court believes that is the best option here. With the looming December 9, 2013, trial date in mind, the parties should confer with one another to develop a set of discovery dates that suits their needs. If they wish to submit those dates to the Court for entry in a formal order, they may do so, but such action is not required. Having determined that the parties may work together to establish their own discovery deadlines, the Court will deny Watson’s motion requesting that the Court, itself, extend those dates.

The Court will address the more substantive of the Watson’s outstanding motions (Docket #102 (his motion *in limine*) and Docket #104 (his motion for a protective order)) in due course.

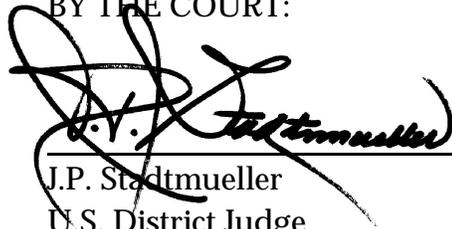
Accordingly,

IT IS ORDERED that Watson’s motion for the Court to enter an order setting discovery deadlines (Docket #101) be and the same is hereby DENIED; and

IT IS FURTHER ORDERED that King-Vassel's motion to amend the trial date (Docket #107) be and the same is hereby DENIED.

Dated at Milwaukee, Wisconsin, this 23rd day of September, 2013.

BY THE COURT:



J.P. Stadtmueller
U.S. District Judge