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A LIMITED LIABILITY ORGANIZATION

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November 25, 2013

Honorable J.P. Stadtmueller
U.S. District Court
Eastern District of Wisconsin
Federal Courthouse
517 East Wisconsin Avenue
Milwaukee, WI 53202

Re: Watson v. King-Vassel
Case No: 11-CV-236
Our File No: 911.19

Dear Judge Stadtmueller:

As a follow-up to our November 22, 2013 letter, please find enclosed the executed affidavit of Neil Gebhart.

Thank you for your consideration of this matter.

Very truly yours,

s/Bradley S. Foley

BSF/cgw

cc: Attorney Rebecca Gietman
Attorney James Gottstein

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,
and THE STATE OF WISCONSIN,
ex rel. DR. TOBY TYLER WATSON,

Plaintiffs,

v.

Case No. 11-CV-236

JENNIFER KING VASSEL,

Defendant.

AFFIDAVIT OF ATTORNEY NEIL GEBHART

STATE OF WISCONSIN)
) ss.
COUNTY OF DANE)

NEIL GEBHART, being duly sworn under oath, deposes and states as follows:

1. I am an attorney employed by the State of Wisconsin, Department of Health Services (DHS). I have worked for DHS for over 30 years, and am very familiar with the Medicaid program, including the myriad of its federal and state statutes and regulations.

2. I represent Kimberly Smithers, who I was informed was recently named by the plaintiff as a lay witness. Ms. Smithers is employed by the Department of Health Services as the Pharmacy and Quality Section Chief in the Bureau of Benefits Management, Division of Health Care Access and Accountability.

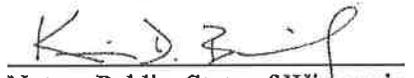
3. Ms. Smithers was interviewed by telephone by both attorneys for the plaintiff on November 21, 2013. One of the attorneys for the plaintiff was originally going to depose Ms. Smithers during the time period scheduled for the call, but cancelled the deposition.

the federal government does not do anything to administer the program; it is only the State that ensures on what basis payments are to be made, and not just based on the compendia.

8. In response to the discussion about state and federal provisions governing Medicaid reimbursement for prescription medications, one of the attorneys said something to the effect that this was all new to them.


Neil Gebhart

Subscribed and sworn to before me
this 25th day of November, 2013.


Notary Public, State of Wisconsin
My Commission is permanent

Kevin D. Bailey

