

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.

**DEFENDANT JENNIFER KING VASSEL'S CIVIL L.R. 7(H) EXPEDITED NON-
DISPOSITIVE MOTION TO AMEND THE SCHEDULING ORDER**

Defendant Jennifer King Vassel (Dr. King), by her attorneys, Gutglass, Erickson, Bonville & Larson, S.C., respectfully submits the following motion to amend the September 11, 2013 scheduling order pursuant to Fed. R. Civ. P. 16(b)(4), utilizing the Civil L.R. 7(h) expedited non-dispositive motion procedure. *See* (Document 100). In sum, Dr. King requests to adjourn the current trial date of December 9, 2013 to April 7, 2014 or some other date mutually agreeable to the parties and the Court.

ARGUMENT

THE TRIAL DATE OF DECEMBER 9, 2013 SHOULD BE ADJOURNED.

The trial in this case is scheduled to begin on December 9, 2013. (Docket 100, p. 1.) The trial counsel for Dr. King, Mark Larson, however has a medical malpractice jury trial (*Salamone* case) scheduled to begin on December 2, 2013, and last at least a week. The

Salamone jury trial was previously adjourned only days prior to scheduled trial date of February 18, 2013 due to a court conflict but was reset for December 2, 2013 as a firm trial date. There is a substantial risk the *Salamone* trial would not be completed by December 9, 2013. Even if the trial were completed, it would not afford sufficient time to prepare for this trial. Moreover, as Dr. King's trial counsel will be trying the *Salamone* trial, he will not be able to be present for the December 3, 2013 final pretrial conference.

This request has been discussed with counsel for the plaintiff. The plaintiff's counsel objects to Dr. King's request to adjourn the trial; however in discussing potential alternative trial dates, the parties agreed that April 7, 2014 would be mutually workable. If the Court grants this motion, but does not agree with the proposed new trial date, Dr. King requests that a scheduling conference occur in which to set a new trial date.

CONCLUSION

Based on the foregoing arguments, defendant Jennifer King Vassel respectfully requests that the Court amend the scheduling order and adjourn the current trial date.

Dated at Milwaukee, Wisconsin this 17th day of September, 2013.

**GUTGLASS, ERICKSON, BONVILLE &
LARSON, S.C.**

s/ Bradley S. Foley

Mark E. Larson (#1016423)

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Attorneys for defendant Jennifer King Vassel

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ORDER GRANTING MOTION TO AMEND THE SCHEDULING ORDER

The above-captioned matter having come before the Court, the Hon. J.P. Stadtmueller, U.S. District Judge presiding, and the relator having appeared by Attorney James Gottstein, and defendant Jennifer King Vassel having appeared by their attorneys, Gutglass, Erickson, Bonville & Larson, S.C., by Attorneys Mark E. Larson and Bradley S. Foley, and based on the written arguments of counsel and the Court's decision (Document __);

NOW, THEREFORE, IT IS HEREBY ORDERED that the Scheduling Order (Document 100) is amended as follows: the trial is adjourned to Monday, April 7, 2014 at 8:30 a.m. and the final pretrial conference is adjourned to Tuesday, April 1, 2013 at 8:30 a.m.

Dated this ____ day of September, 2013.

BY THE COURT:

Honorable J.P. Stadtmueller
U.S. District Judge

Drafted by:

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