

COURT MINUTES OF CONFERENCE

UNITED STATES OF AMERICA and STATE OF WISCONSIN,

Plaintiffs,

TOBY TYLER WATSON,

Relator,

CASE NO. 11-CV-236

v.

JENNIFER KING VASSEL,

Defendant.

HON. J. P. STADTMUELLER PRESIDING

DATE: December 3, 2013

TIME SCHEDULED: 8:30 a.m.

COURT DEPUTY/CLERK: Zachary Willenbrink

TIME CALLED: 4:28 p.m.

COURT REPORTER: Sheryl Stawski

TIME FINISHED: 5:09 p.m.

PURPOSE: Final Pretrial Conference

PLAINTIFF BY: James Gottstein, Rebecca Gietman

DEFENDANT BY: Bradley Foley, Paul Ericksen

Notes:

4:28 p.m. Appearances

4:28 Court puts background of case on the record

4:28 Mr. Gottstein explains that his presentation of the case will depend largely on how the Court approaches jury instructions and the motions *in limine*; Mr. Foley states that defendants are prepared to proceed

4:30 Court informs the parties that the case is not ready to be tried, because the parties have not followed the Court's directives in the trial scheduling order; Court describes a number of cases in which similar circumstances have occurred: *Matthews v. WE Energies* (Case No. 05-CV-537),

Metavante v. Emigrant Bank, FailSafe v. A.O Smith Corporation, and QuadGraphics v. One2One Communications, among others

4:37 Court directs parties to meet and confer with one another to discuss the trial scheduling order and find; Court states that it may also invoke Civil Local Rule 83(c) to require that relator hire competent local counsel; Court points out the parties' lack of understanding of the Medicaid procedures

4:41 Mr. Gottstein makes a statement to the Court, to which Court responds

4:45 Court points out that cases involving drug marketing are irrelevant in this case

4:46 Mr. Gottstein points states that the federal government is not enforcing the law at issue, but states that he has attempted to rectify that situation

4:48 Court reiterates its suggestion that the parties confer with one another; Court declares discovery closed

4:52 Court states that if the parties address the issues with their final pretrial report, then there will be an additional final pretrial conference held on Friday, December 6, at 11:00 a.m.

4:57 Defendants have nothing further to address at this point

4:58 Court provides additional remarks; Mr. Gottstein responds

5:01 Court states that the parties need to have an open conversation about the direction of this case

5:03 Mr. Foley states that the parties will confer and submit a letter updating the Court as to progress

5:05 Court asks that parties engage in further discussions on disputed issues

5:08 Mr. Gottstein states that its jury instructions are primarily drawn from the Seventh Circuit's opinion in this case

5:09 Court will await further notification from the parties following their discussions

5:09 Court stands in recess