

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION**

FILED

MAR 08 2018

Clerk, U.S. District Court
District Of Montana
Helena

UNITED STATES OF AMERICA EX
REL. FRANK M. REMBERT AND
MICHAEL R. PARADISE,

No. CV 15-80-BU-SEH

Plaintiffs,

ORDER

vs.

BOZEMAN HEALTH DEACONESS
HOSPITAL D/B/A BOZEMAN
HEALTH, and
DEACONESS-INTERCITY
IMAGING, LLC D/B/A ADVANCED
MEDICAL IMAGING,

Defendant.

Relators Frank M. Rembert and Michael R. Paradise (“Relators”) moved to
Submit Additional Deposition Transcripts Under Seal¹ in which is stated:

Pursuant to Local Rule 7.1, the undersigned
certifies that he has inquired of the Defendants about

¹ Doc. 220.

their position. Specifically, he sent a copy of it to defense counsel before filing it. Defendants indicate they oppose the motion.

Defendants also asked Relators to inform the court that “Relators have refused to meet and confer about the motion, including refusing to answer the following questions from Defendants: What excerpts do Relators intend to file? For what purpose? Would Relator’s agree that Defendants can file a response?”

But, the text of the motion that Relators sent to defendants answered all those questions, showing that: the entire transcripts would be filed; the purpose is to give the Court access to the transcripts in deciding the prior motion (Doc. 164); and both sides would get the same opportunity to designate portions of the transcripts they request that the Court review.²

On March 8, 2018, Defendants’ Opposition to Relators’ Motion for Leave to Submit Additional Deposition Transcripts Under Seal (Doc. 220) was filed. That opposition statement recites “Relators’ Local Rule 7.1 Certification shows that Relators have failed to meet and confer with Defendants.”³

ORDERED:

Relators’ Motion for Leave to Submit Additional Deposition Transcripts Under Seal⁴ and the relief requested in Relators’ Brief in Support of Motion for

² Doc. 220 at 3.

³ Doc. 224 at 4.

⁴ Doc. 220.

Leave to Submit Additional Deposition Transcripts Under Seal and Request for Expedited Consideration⁵ are DENIED.

The discovery issues presented to the Court in Docket Numbers 162, 164 and 169 and referred to Magistrate Judge Jeremiah C. Lynch for disposition are not demonstrated to be the same or substantially similar to issues, if any, that may arise with respect to the depositions of Gordon Davidson and Liz Lewis.

Justification for alteration or abandonment of customary motion and briefing procedures and scheduling provided by the rules of this district have not been shown to be present. If Relators seek to raise discovery issues concerning the depositions of Gordon Davidson and Liz Lewis, or either of them, they may file an appropriate motion and supporting brief. Defendants will be entitled to file a brief in response to such a motion. Relators may file a reply. The Court will take up and address any motion so presented when appropriate to do so.

DATED this 8th day of March, 2017.



SAM E. HADDON
United States District Judge

⁵ Doc. 221.