

United States District Court  
Southern District of Texas

**ENTERED**

April 12, 2018

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

DAC SURGICAL PARTNERS P.A., <i>et al</i> ,	§	
	§	
Plaintiffs,	§	
VS.	§	CIVIL ACTION NO. 4:11-CV-01355
	§	
UNITED HEALTHCARE SERVICES, INC., <i>et al</i> ,	§	
	§	
Defendants.	§	

**ORDER AND OPINION**

Pending before the Court in the above-referenced cause is Counter-Plaintiff United Healthcare Services, Inc.’s (“United”) Motion to Compel Dr. Donald Kramer, M.D. and the Don of Pain, PA to Produce Tax Returns Or, in the Alternative, for Contempt, Doc. 594, and United’s expedited request for its motion, Doc. 595. After careful consideration of the filings, record, and law, the Court elects to shorten the response and reply periods.

A brief reiteration of the relevant history of this case explains the necessity of the Court’s ruling. On October 10, 2014, Magistrate Judge Stacy entered an order to extend the discovery deadline to allow United to secure a subpoena for the personal tax returns of Dr. Donald Kramer, M.D. and The Don of Pain, PA. Doc. 484. The subpoena was served on October 21, 2014. Doc. 594-1 at 3, 7. On October 29, 2014, Dr. Kramer objected to Magistrate Stacy’s order. Doc. 502. And on March 28, 2018, the Court overruled Dr. Kramer’s objection and appeal of the Magistrate’s order. Doc. 589 at 3. The mediation for the matter is scheduled for April 25, 2018, Doc. 593, and the matter is presently set for trial on May 7, 2018, Doc. 590. Due to the short timeline before trial, United requests that this Court order production of these tax returns “within seven days.” Doc. 594 at 3.

United also alleges that Dr. Kramer is considering three options: “(a) produce the tax returns on an unspecified future date; (b) move Judge Harmon to reconsider her March 28, 2018 order; or (c) appeal Judge Harmon’s order by seeking mandamus before the United States Court of Appeals for the Fifth Circuit.” *Id.*

“The federal courts are vested with the inherent power ‘to manage their own affairs so as to achieve the orderly and expeditious disposition of cases.’ ” *DAC Surgical Partners P.A. v. United Healthcare Services, Inc.*, No. 4:11-CV-1355, 2014 WL 4388760, at \*3 (S.D. Tex. Sept. 3, 2014) (quoting *Woodson v. Surgitek, Inc.*, 57 F.3d 1406, 1417 (5th Cir. 1995) and *Link v. Wabash R. Co.*, 370 U.S. 626, 630 (1962)). In consideration of the upcoming April mediation and May trial, the Court holds that it should shorten the timeline for a response and reply. Accordingly, it is hereby

**ORDERED** that the deadline for responses and replies on the Motion to Compel Dr. Donald Kramer, M.D. and the Don of Pain, PA to Produce Tax Returns, Doc. 594, shall be as follows:

1. Dr. Donald Kramer, M.D. and the Don of Pain, PA’s Response deadline is Tuesday, April 17, 2018.
2. United’s Reply deadline is Friday, April 20, 2018.

SIGNED at Houston, Texas, this 12th day of April, 2018.

  
MELINDA HARMON  
UNITED STATES DISTRICT JUDGE