

United States District Court
Southern District of Texas

ENTERED

May 08, 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. 606, and United’s expedited request for its Motion, Doc. 607. After careful consideration of the filings, record, and law, the Court elects to shorten the response and reply periods.

On April 19, 2018, the Court ordered Dr. Donald Kramer, M.D. to produce “personal tax returns from 2003 to the present” and the Don of Pain, PA’s tax returns from “2011 to the present” within “seven (7) days from entry of this Order.” Doc. 601 at 1. The Order further stated, “[i]f production is not complete within seven (7) days, a rule to show case shall issue.” Dr. Kramer did not oppose entry of the order. Doc. 598 at 1.

United alleges that it has not received all the tax return information required by the April 19 Order. According to United’s Motion, Dr. Kramer has produced “(1) personal tax returns from 2003 through 2013; and (2) tax returns for The Don of Pain, P.A. from 2011 through 2013,” but not “(1) his personal tax returns from 2014 through 2017; (2) tax returns for The Don of Pain for 2014 through 2017; and the (3) accompanying schedules, forms, or records.” Doc.

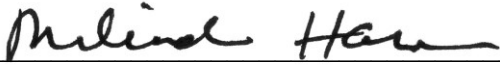
606 at 2–3. United also alleges that it has not received “any K-1, 1099, or W-2 forms referred to and relied upon in his returns” or “the Worksheets referred to and relied upon in certain schedules of his returns.” *Id.* at 3. Finally, United alleges that it conferred with Dr. Kramer’s counsel, and that Dr. Kramer’s counsel does not believe the April 19 Order requires production “anything more than tax returns to 2013.” *Id.* at 3. Thus, United requests that an Order requiring production of the remaining “tax returns and accompanying schedules, forms and records at issue,” or to hold Dr. Kramer in contempt. *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 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. 606, shall be as follows:

1. Dr. Donald Kramer, M.D. and the Don of Pain, PA’s Response deadline is Friday, May 11, 2018.
2. United’s Reply deadline is Monday, May 14, 2018.

SIGNED at Houston, Texas, this 8th day of May, 2018.


MELINDA HARMON
UNITED STATES DISTRICT JUDGE