

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

---

**UNITED STATES *ex rel.* A. SCOTT  
POGUE,**

**Plaintiff,**

**v.**

**DIABETES TREATMENT CENTERS  
OF AMERICA, INC., *et al.*,**

**Defendants.**

---

**Civil Action No. 99-3298 (RCL)  
Part of Misc. No. 01-50 (RCL)**

**ORDER**

Before the Court are a number of outstanding motions. Upon consideration of the applicable law, the entire record herein, as well as the materials submitted in support of and in opposition to each contested motion, and for the reasons stated in the accompanying Memorandum Opinion issued this date, it is hereby ORDERED that:

1. The United States' Unopposed Motion [111] to File Surreply to DTCA's Motion to Reconsider is GRANTED;
2. DTCA's Motion [113] to File Response Brief in Excess of Ten Pages is GRANTED;
3. The United States' Unopposed Motion [116] for Extension of Time to File Reply to Motion to Strike the Expert Report of Eric Yospe is GRANTED;
4. The United States' and Relator's Unopposed Motions [1189 & 1190] for Extension of Time to File Reply to Motion to Strike Report and Designation of

DTCA Expert Witness Eric Yospe is GRANTED;

5. DTCA's Motion [1204] to File Surreply to United States' and Relator's Motions to Strike is GRANTED;
6. DTCA's Unopposed Motion [1197] for Leave to File Supplemental Briefs Regarding DTCA's Motion to Compel is GRANTED;
7. The United States' Unopposed Motion [1185] for Leave to File Surreply to DTCA's Motion for Reconsideration is GRANTED;
8. Relator's Unopposed Motion [125] for Leave to File Surreply to DTCA's Motion for Judgment on the Pleadings is GRANTED;
9. Relator's Motion [126] for Leave to File Opposition to Summary Judgment Instantly is DENIED as moot;
10. The Joint Motion [1140] to Amend Scheduling Order is DENIED as moot;
11. DTCA's Motion [106] to Reconsider and Amend is GRANTED;
12. The United States' Motion [103] to Strike Expert Report of Eric Yospe is DENIED;
13. Relator's Motion [104] to Strike the Report and Designation of DTCA Expert Witness Eric Yospe is DENIED;
14. Relator's Motion [1174] to Seal Rule 26 Expert Report of Eric Yospe is DENIED;
15. DTCA's Motion [118] for Judgment on the Pleadings is GRANTED in part and DENIED in part; the Motion is granted as to violations that occurred prior to June 23, 1984 and denied as to violations that occurred on or after that date;
16. JUDGMENT IS ENTERED in favor of defendant and against relator as to claims

for violations that occurred prior to June 23, 1984; and it is further

17. ORDERED, that claims for violations that occurred prior to June 23, 1984 are DISMISSED WITH PREJUDICE as to relator A. Scott Pogue; and it is further
18. ORDERED, that the Motion [110 & 1180] to Dismiss All Claims Against the Defendant Atlanta Physicians is GRANTED; and the case against defendants Paul C. Davidson, M.D.; Bruce W. Bode, M.D.; Judson G. Black, M.D.; Robert Dennis Steed, M.D.; and Anthony E. Karpas, M.D. is DISMISSED WITH PREJUDICE as to relator A. Scott Pogue and WITHOUT PREJUDICE as to the United States; and it is further
19. DTCA's Motion [1201] to Amend the Scheduling Order is GRANTED; and it is further
20. ORDERED that the parties shall meet and confer within thirty (30) days of this date and shall submit to the Court within fifteen (15) days thereafter a proposed scheduling order addressing all outstanding scheduling matters remaining in this case.

SO ORDERED.

Signed by United States District Judge Royce C. Lamberth, February 7, 2007.