

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION

LISA TORREY, et al	§	
	§	
V.	§	CIVIL NO. 5:17cv190
	§	
INFECTIOUS DISEASE SOCIETY OF AMERICA, et al	§	

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MINUTES FOR MOTIONS HEARING  
HELD BEFORE JUDGE ROBERT W. SCHROEDER III  
JULY 17, 2019

OPEN: 2:03 pm

ADJOURN: 4:21 pm

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ATTORNEY FOR PLAINTIFFS: See Attorney Sign In Sheet

ATTORNEY FOR DEFENDANTS: See Attorney Sign In Sheet

LAW CLERK: Wills Collier

COURTROOM DEPUTY: Shedera Combs

COURT REPORTER: Theresa Sawyer

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2:03 pm	Case called; Parties introduce themselves and announce ready; Court welcomes everyone; Court reviews motions to be heard today
2:06 pm	Michael Tuteur argues Defendants' Renewed Motion Under Rule 9(b) to Dismiss RICO Claims and to Reject Tolling for Fraudulent Concealment
2:41 pm	Daniel Dutko responds re motion
2:57 pm	Court questions Mr. Dutko re reasonable diligence; Mr. Dutko responds; Court questions why case was not filed earlier; Mr. Dutko responds
3:00 pm	Mr. Tuteur responds re motion

- 3:02 pm Court questions Mr. Tuteur re Attorney General's investigation; Mr. Tuteur responds
- 3:06 pm Court questions whether there has ever been an affirmative statement that the doctors weren't paid; Mr. Tuteur responds
- 3:09 pm Mr. Dutko responds re motion
- 3:13 pm Brendan Fee argues Motion to Dismiss Plaintiffs' First Amended Complaint
- 3:25 pm Recess
- 3:40 pm Mr. Fee continues argument
- 3:44 pm Court questions re summary judgment matter; Mr. Fee responds
- 3:48 pm Mr. Dutko responds re motion
- 3:56 pm Mr. Fee responds re motion
- 3:58 pm Mr. Dunn responds on behalf of doctors re motion
- 4:01 pm Court questions re RICO claims and motion to dismiss; Mr. Fee responds; Court questions re personal jurisdiction; Mr. Fee responds and continues argument
- 4:05 pm Mr. Dutko responds re motion
- 4:07 pm Court questions if doctors have discussed lyme disease in Texas; Mr. Dutko responds; Court questions if there is any evidence the doctors discussed lyme disease while they were in Texas; Mr. Dutko responds; Mr. Dunn responds
- 4:10 pm Court questions if any of Plaintiffs' injuries occurred in Texas; Mr. Dutko responds; Mr. Dunn responds re Texas residency; Mr. Fee responds; Mr. Dutko responds
- 4:13 pm Court questions re discovery; Mr. Eugene Egdorf responds; Mr. Dutko responds; Mr. Dunn responds; Mr. Tuteur responds; Mr. Egdorf responds; Mr. Tuteur responds; Mr. Egdorf responds; Court asks parties to meet and confer on briefing schedule re amended motion to compel by Monday; Mr. Egdorf responds; Mr. Tuteur responds; Mr. Egdorf responds; Court comments with regard to meet and confer process and standing order; Court will set hearing if necessary; Mr. Egdorf responds; Mr. Tuteur responds
- 4:19 pm Court has order in final stages re independent medical examiner; Mr. Tuteur responds; Mr. Mr. Dutko responds; Mr. Tuteur responds; Mr. Dutko states the

parties will file document re Plaintiffs to be dismissed soon

4:21 pm Adjourn

**ATTORNEY SIGN-IN SHEET**

Judge Robert W. Schroeder III  
5:17cv190

LISA TORREY, et al v. INFECTIOUS DISEASES  
SOCIETY OF AMERICA, et al  
JULY 17, 2019

MOTIONS HEARING

**PLEASE PRINT CLEARLY**

<b>ATTORNEY'S NAME</b>	<b>REPRESENTING</b>
Lance Lee	TTA
Jim HARTLE	TT's
Eugene Eydort	TT's
Daniel Deutho	TT's
Ryan Higgins	TT's
Patrick Clotter	United
Ben Holt	United
Michael Tutew	Anthem
Michael Forbes	BCBSTX
Matt Sheridan	Aetna
Benjamin Holt	United

ATTORNEY'S NAME	REPRESENTING
SARAH DONNELL	BCBSA
BRENDAN FEE	CIGNA
DEREK S. JAMES	Kaiser
Arvin Duan	FQSA + DOCTORS
Jennifer Down	AETNA
Randy Roesser	AETNA