

IN AND BEFORE THE
STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION
STATE OF OKLAHOMA

FILED

STATE OF OKLAHOMA, ex rel.,)
OKLAHOMA STATE BOARD OF)
MEDICAL LICENSURE AND)
SUPERVISION,)

MAR 17 1997

Plaintiff,)

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

vs.)

Case No. 95-05-1696

PIERRE LeBAUD, M.D.,)
Medical License No. 17183,)

Defendant.)

ORDER

This matter comes before the Trial Examiner on this 12th day of March, 1997, upon the defendant's Motion for Continuance, defendant's Motion for Summary Judgment, defendant's Second Motion for Summary Judgment, defendant's Third Motion for Summary Judgment and defendant's Motion to Dismiss. The plaintiff, Oklahoma State Board of Medical Licensure and Supervision, appears by and through its attorney, Daniel J. Gamino. The defendant appears by and through his attorney, Richard A. Mildren. The Trial Examiner, having heard the statements of counsel, having reviewed the defendant's respective Motions, and being fully advised in the premises, finds as follows:

1. As to the defendant's Motion for Continuance, the plaintiff announces no objection and agrees that continuance of the trial in this case, currently set for the March 13, 1997, docket, should be continued until the May 15, 1997, docket. The Trial Examiner finds that the defendant's Motion for Continuance should be sustained.

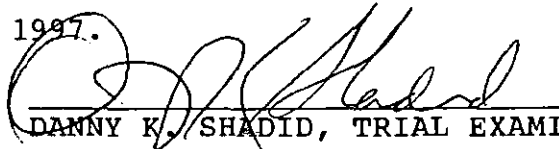
2. As to the defendant's respective Motions for Summary Judgment, the Trial Examiner finds that they should all be taken under advisement with supplemental briefing to be completed by the parties as to the defendant's Second and Third Motions for Summary Judgment regarding the ex post facto issues raised therein. The defendant's supplemental brief on the issue of ex post facto violations is to be filed no later than March 31, 1997. The plaintiff's supplemental brief is to be filed no later than April 18, 1997.

3. As to the defendant's Motion to Dismiss, the plaintiff shall file any and all responses thereto no later than March 28, 1997.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the defendant's Motion for Continuance be and is hereby sustained and that trial in the above-styled case be and is hereby continued from the March 13, 1997, docket until the May 15, 1997, docket.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the defendant's respective Motions for Summary Judgment are all taken under advisement. It is further ORDERED that the defendant submit a supplemental brief regarding the ex post facto issues raised in his Second and Third Motions for Summary Judgment no later than March 31, 1997. It is further ORDERED that the plaintiff file a supplemental brief as to the said issues no later than April 18, 1997.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the plaintiff file any and all responses to the defendant's Motion to Dismiss no later than March 28, 1997.


DANNY K. SHADID, TRIAL EXAMINER

CERTIFICATE OF MAILING

This is to certify that on this 24 day of March, 1997, a true and correct copy of this order was mailed, postage prepaid to:

Pierre LeBaud, M.D.
P.O. Box 7020
Lawton, OK 73506

Richard A. Mildren, Attorney
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