

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

State of Oklahoma *ex rel.* The Oklahoma)
Board of Medical Licensure and Supervision,)
)
Plaintiff,)
)
vs.)
)
Jeffrey Porras, M.D.,)
License No. MD 23554,)
)
Defendant.)

FILED
MAY 08 2015
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 07-10-3394

**TRIAL EXAMINER'S ORDER ON
DEFENDANT'S NOTICES OF DEPOSITION
filed April 10, 2015 and April 14, 2015**

This matter came on for hearing on April 27, 2015 pursuant to Defendant's Notice of Deposition (for "individuals listed in the Board's Witness and Exhibit List as patients, those listed in the Designation of Transcript Testimony, and any other patients referred to in the Complaint the Board which intends to call at the hearing in this matter") filed April 10, 2015. Plaintiff's Objection to Defendant's Notice of Deposition was filed on April 15, 2015. Additionally, Defendant's Notice of Deposition (for "Officer Priscilla Helm and Assistant District Attorney Jennifer Austin") was filed April 14, 2015. Plaintiff's Objection to Defendant's (2nd) Notice of Deposition was filed April 15, 2015.

Applicable Legal Authorities

1. The governing document in this matter is the Complaint filed August 22, 2014 in accordance with Oklahoma Administrative Code ("OAC") 435:3-3-2.
2. The ruling by the undersigned Trial Examiner in this matter is authorized by OAC 435:3-3-7, OAC 435:3-3-10, OAC 435:3-3-13 and OAC 435:3-3-16.
3. The Oklahoma Discovery Code, 12 O.S. § § 3224-37, "shall govern the procedure for discovery in all suits of a civil nature in all courts of this state."
4. OAC 435: 3-3-9 provides "[w]hen time permits prior to a hearing, parties to the hearing shall be allowed to use discovery available in a civil action in the District Courts o Oklahoma. The failure of a party to have sufficient time to exercise any discovery mechanism on account of a lack of time shall not of itself constitute good cause for the granting of a continuance of a hearing."

Trial Examiner Ruling

Upon consideration of written and oral arguments and applicable laws, the Trial Examiner rules on Defendant's Notices of Deposition, filed April 10, 2015 and April 14, 2015, as follows:

This matter was filed on August 22, 2014 and originally set for hearing on March 12, 2015.

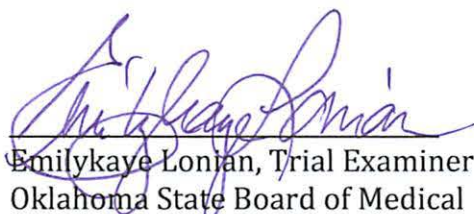
Defendant filed an Unopposed Motion for Continuance on February 27, 2015. An Order of Continuance was filed on February 27, 2015 moving the hearing from the March meeting to the May meeting of the Board.

A Scheduling Order setting the Hearing Date on May 14, 2015 lists a Discovery Cutoff on April 23, 2015.

The Trial Examiner declines to issue a subpoena in support of Defendant's Notice of Deposition, filed April 10, 2015, for lack of good cause shown.

The Trial Examiner declines to issue a subpoena in support of Defendant's Notice of Deposition, filed April 14, 2015, for lack of good cause shown.

Dated this 7th day of May, 2015.



Emilykaye Lonian, Trial Examiner
Oklahoma State Board of Medical
Licensure and Supervision

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Case No. 07-10-3394

**TRIAL EXAMINER'S ORDER ON
DEFENDANT'S MOTION TO DISMISS OR IN THE ALTERNATIVE MOTION FOR
SUMMARY DISPOSITION AND REQUEST FOR EXPEDITED RESPONSE**

This matter came on for hearing on April 27, 2015 pursuant to Defendant's Motion to Dismiss or in the Alternative Motion for Summary Disposition and Request for Expedited Response filed on February 20, 2015. Plaintiff's Response was filed March 6, 2015. Defendant's Reply was filed on April 4, 2015.

Applicable Legal Authorities

1. The governing document in this matter is the Complaint filed August 22, 2014 in accordance with OAC 435:3-3-2.
2. The ruling by the undersigned Trial Examiner in this matter is authorized by OAC 435:3-3-10 and 435:3-3-13.

Trial Examiner Ruling

Upon consideration of written and oral arguments and applicable laws, the Trial Examiner rules on Defendant's Motion to Dismiss or in the Alternative Motion for Summary Disposition and Request for Expedited Response as follows:

The motion is denied.

Dated this 7th day of May, 2015.


Emilykaye Lonian, Trial Examiner
Oklahoma State Board of Medical
Licensure and Supervision

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Case No. 07-10-3394

**TRIAL EXAMINER'S ORDER ON
DEFENDANT'S OBJECTION TO ADMISSION OF TRANSCRIPT TESTIMONY
AND MOTION IN LIMINE TO EXCLUDE ALLEGATIONS RELATED TO
UNAVAILABLE WITNESSES AND BRIEF IN SUPPORT**

This matter came on for hearing on April 27, 2015 pursuant to Defendant's Objection to Admission of Transcript Testimony and Motion in Limine to Exclude Allegations Related to Unavailable Witnesses and Brief in Support filed April 13, 2015. Plaintiff's Response was filed April 16, 2015.

Applicable Legal Authorities


1. The governing document in this matter is the Complaint filed August 22, 2014 in accordance with Oklahoma Administrative Code ("OAC") 435:3-3-2.
2. The ruling by the undersigned Trial Examiner in this matter is authorized by OAC 435:3-3-10 and 435:3-3-13.

Trial Examiner Ruling

Upon consideration of written and oral arguments and applicable laws, the Trial Examiner rules on Defendant's Objection to Admission of Transcript Testimony and Motion in Limine to Exclude Allegations Related to Unavailable Witnesses and Brief in Support, as follows:

The objection is overruled.

Dated this 7th day of May, 2015.


Emily Kaye Lonian, Trial Examiner
Oklahoma State Board of Medical
Licensure and Supervision