

**BEFORE THE MEDICAL LICENSING
BOARD OF INDIANA
CAUSE NUMBER: 2022 MLB 0024**

IN THE MATTER OF THE LICENSE OF:)
)
CAITLIN BERNARD, M.D.)
)
LICENSE NUMBER: 01078719A)



**ORDER DENYING PETITIONER’S MOTION TO CONTINUE,
GRANTING IN PART AND DENYING IN PART RESPONDENT’S SECOND
AMENDED MOTION FOR PROTECTIVE ORDER, ORDER GRANTING
RESPONDENT’S MOTION TO EXCLUDE INFORMATION FROM PUBLIC
DISCLOSURE, AND ESTABLISHING AMENDED CASE MANAGEMENT PLAN**

On April 25, 2023, the State (“Petitioner”) filed its “Motion for Continuance of May Hearing Date and Extension of Deadlines.” On April 26, 2023, Dr. Caitlin Bernard, M.D. (“Respondent”) filed her “Motion to Exclude Dr. Bernard’s Discovery Responses from Public Disclosure.” On April 26, 2023, Respondent filed her “Second Amended Motion for Protecting Order to Prevent or Limit her Deposition.” After considering these motions, the Medical Licensing Board of Indiana (“Board”) orders as follows:

1. The Parties requested a joint case management order in the above-captioned matter, which the Board granted.
2. This case management order contained multiple deadlines with which the Parties were required to adhere, including the completion of all depositions by April 24, 2023, and the filing of final witness and exhibits lists by April 25, 2023.
3. On April 27, 2023, the Board held a prehearing conference with the Parties regarding their various motions filed on April 25th and 26th, 2023. During that conference, the Parties discussed their non-compliance with the case management order.

4. The Board **DENIES** Petitioner's "Motion for Continuance of May Hearing Date and Extension of Deadlines."

5. The Board **DENIES** Respondent's "Second Amended Motion for Protecting Order to Prevent or Limit her Deposition" to the extent it seeks to prevent Petitioner from taking her deposition or to limit Petitioner's questions based upon testimony in other matters or discovery responses. The Board finds that such limits are not necessary to prevent duplicative or oppressive discovery. The Board **GRANTS** Respondent's Motion to the extent it seeks to limit Petitioner's questions based upon the Parties' factual stipulations in this matter. The Board finds that such questions would be unnecessarily duplicative.

6. The Board **GRANTS** Respondent's "Motion to Exclude Dr. Bernard's Discovery Responses from Public Disclosure." Exhibits labeled "NOT FOR PUBLIC ACCESS" will not be added to the License Litigation Portal.

7. To resolve the April 25th and 26th motions and to facilitate resolution of the Parties outstanding discovery issues, the Board establishes the following amended case management order:

- a. On or before May 3, 2023, each party shall file with the Board and exchange: (1) a final witness list; (2) a final exhibit list; and (3) copies of all proposed exhibits;
- b. Each exhibit must be clearly labeled with an exhibit identifier and consecutive page numbers. The State shall label its exhibits numerically (e.g., Ex. 1). Respondent shall label his or her exhibits alphabetically (e.g., Ex. A);


- c. To the extent a Party believes any exhibits are confidential under state or federal law, that Party must file an unredacted copy labeled “NOT FOR PUBLIC ACCESS” and a redacted copy labeled “FOR PUBLIC ACCESS;”
 - d. Prior to the hearing, Parties may conduct depositions of: (1) any individual who was noticed for a deposition prior to April 24, 2023; (2) any individual who is disclosed for the first time on the opposing party’s final witness list; and (3) any individual the Parties mutually agree should be deposed in this matter;
 - e. Petitioner may depose Respondent in this matter. Petitioner may not inquire into any matter already established through the Parties’ joint stipulation of facts;
 - f. On or before May 23, 2023, the Parties shall file a JOINT stipulation of facts, signed by both parties. The stipulations shall contain stipulations as to all facts not reasonably in dispute. The parties shall label any joint exhibits with roman numerals (e.g., Ex. I); and
 - g. The final hearing in this matter is set for May 25, 2023, at 9:00 A.M., at the Indiana Government Center South Building, Conference Center Room C, 402 West Washington Street, Indianapolis, Indiana 46204.
8. The Parties agree that they can present out of state witnesses via WebEx or any other electronic platform.
9. If at any point the parties reach an agreed resolution of this matter in principle, the parties shall immediately file notice with the Board. The filing of such a notice suspends all deadlines in this order until a party notifies the Board of its intent to continue litigation.

10. The Board's Litigation Coordinator may be contacted regarding hearing schedules and procedures by mail in care of the Indiana Professional Licensing Agency, 402 West Washington Street, Room W072, Indianapolis, Indiana 46204, by e-mail at [pla3\(a\).pla.in.gov](mailto:pla3(a).pla.in.gov), or by telephone at (317) 234-2060.

11. Any party may be represented by counsel at the party's own expense.

SO ORDERED this 28th day of April 2023.

MEDICAL LICENSING BOARD OF INDIANA

By:  for
Kirk Masten, D.O.
Administrative Law Judge
Board Vice President

CERTIFICATE OF SERVICE

I certify that a copy of the Order has been duly served upon:

Caitlin Bernard
550 N University Blvd.
Indianapolis, IN 46202
Service by Email

Alice Morical
Hoover Hull Turner LLP
111 Monument Circle, Ste 4400
P.O. Box 44989
Indianapolis, IN 46204
Service by Email

John Hoover
Hoover Hull Turner LLP
111 Monument Circle, Ste 4400
P.O. Box 44989
Indianapolis, IN 46204
Service by Email

Clara Gutwein
Hoover Hull Turner LLP
111 Monument Circle, Ste 4400
P.O. Box 44989
Indianapolis, IN 46204
Service by Email

Kathleen Delaney
Delaney & Delaney LLC
3646 N Washington Blvd
Indianapolis, IN 46205
Service by Email

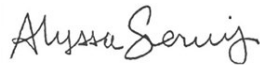
Matthew Gutwein
Delaney & Delaney LLC
3646 N Washington Blvd
Indianapolis, IN 46205
Service by Email

Theodore E. Rokita
Attorney General
Office of the Attorney General
Indiana Government Center South, 5th Floor
302 West Washington Street
Indianapolis, IN 46204
Service by Email

Cory Voight
Deputy Attorney General
Office of the Attorney General
Indiana Government Center South, 5th Floor
302 West Washington Street
Indianapolis, IN 46204
Service by Email

04/28/2023

Date



Alyssa Servies, Board Director

Medical Licensing Board of Indiana
Indiana Government Center South
402 West Washington St., Room W072
Indianapolis, IN 46204
Phone: (317) 234-2060
Fax: (317) 233-4236
Email: pla3@pla.in.gov

Explanation of Service Methods

Personal Service: by delivering a true copy of the aforesaid document(s) personally.

Service by U.S. Mail: by serving a true copy of the aforesaid document(s) by First Class U.S. Mail, postage prepaid.

Service by Email: by sending a true copy of the aforesaid document(s) to the individual's electronic mail address.