

STATE OF VERMONT
BOARD OF MEDICAL PRACTICE

In re: William A. O'Rourke, Jr., M.D.)
) Docket No. MPN 19-0302
)

RESPONDENT'S RESPONSE TO THE STATE'S MOTION IN LIMINE

NOW COMES the Respondent, William A. O'Rourke, Jr., M.D., by and through his attorneys, Dinse, Knapp & McAndrew, P.C., and responds to the State's Motion in Limine as follows:

The State requests that the Hearing in the above matter, currently set for October 30, 2006, be conducted as a bifurcated proceeding, claiming that allegations of unprofessional conduct should be heard first and then, if such conduct is found, the Board should hear evidence regarding sanctions.

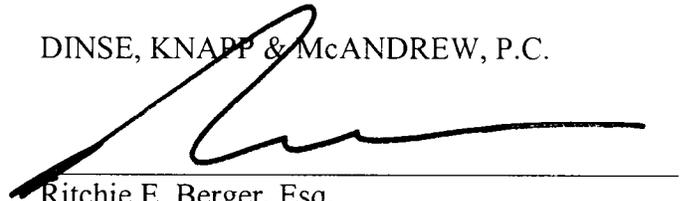
At the last status conference on March 17, 2006, however, it was agreed that there would be no such "bifurcation." The undersigned brought this to the attention of Mr. Arisman this morning and we agreed that all evidence will be heard on Monday, October 30, 2006. To the extent that Dr. O'Rourke produces witnesses or evidence that is directed solely to the issue of possible sanctions and not to a specified charge, he will so advise the Hearing Panel. Mr. Arisman indicated such a procedure is acceptable to the State. The Motion is accordingly moot and should be denied.

Dinse,
Knapp & McAndrew, P.C.
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(802) 864-5751

DATED at Burlington, Vermont this 20 day of October, 2006.

DINSE, KNAPP & McANDREW, P.C.

By:



Ritchie E. Berger, Esq.
Attorney for Respondent

cc: James S. Arisman, Esq.

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