



*Minimally Invasive Surgery Center, P.A., Eric Gerard Chang-Tung, M.D. and Dallas Cardiovascular Surgical Association*, Cause No. CC-14-01566-C, in the County Court at Law #3 in Dallas County, Texas. This trial began on February 7, 2017. Both sides anticipated that the trial would only take two weeks, and the presiding judge (Hon. Sally Montgomery) informed the jury the trial would be completed no later than February 17, 2017. This estimate was made knowing that the Court in question does not conduct trials on Mondays (reserving that day for a hearing docket).

Unfortunately, trial has gone much more slowly than anticipated. Voir dire lasted two days. The Court – unexpectedly to the parties – did not have trial on the first Friday of the trial. And the pace of witness testimony has gone much more slowly than anyone anticipated. As of February 17, 2017, only two live witnesses have finished their testimony. The physician-defendant is in the process of testifying (his testimony having been interrupted twice to take the other two witnesses out of order). Yesterday, plaintiffs in the other case mapped out their anticipated strategy for the remainder of the trial, and it became evident that the pace would not likely increase to allow it to finish before the scheduled start of this trial. Based on those discussions, it is anticipated that plaintiff will call their four remaining expert witnesses in addition to several videotaped depositions as well as two family members and plaintiff's own testimony the week of February 20-24, 2017. Defendants will not likely begin their presentation of the case until the week of February 27, 2017, which includes three expert witnesses. After that, will be the jury charge conference, closing arguments, and awaiting the jury's decision. Based on those discussions, it is anticipated the trial will conclude no later than March 3, 2017.

Unfortunately, the *Edwards* trial will conflict with this matter's current trial setting beginning February 27, 2017. It is impossible for Defendant's lead counsel to attend trial in both cases. Mr. Chamblee's inability to attend trial would greatly prejudice the Defendant as Mr. Chamblee has been involved in this case from the beginning and was retained to try this case if it came to that. And it is

equally important that Defendant get to have the counsel of his choosing.

## II.

Due to these unexpected exigent circumstances – which were not really known until the afternoon of February 16, 2017, when the *Edwards* plaintiff mapped out the remainder of the trial, – Defendant requests that the Court emergently grant a continuance of the February 27, 2017 trial setting to allow Defendant Hartman Equine Reproduction Center, P.A. to have its lead counsel attend trial. Defendant brings this issue to the Court now so that the parties and their witnesses can plan accordingly.

For the foregoing reasons, Defendant Hartman Equine Reproduction Center, P.A. hereby requests a continuance of the current trial setting and that this matter be continued at least 30 days to allow time lead defense counsel to prepare for and attend trial. This continuance is not sought for the purposes of delay, but so that justice may be done.

**WHEREFORE, PREMISES CONSIDERED,** Defendant prays that its motion for continuance be granted and that the Court continue the trial of this case for at least 30 days. Praying further, Defendant prays for such other and further relief, either at law or in equity, to which Defendant may be justly entitled.

Respectfully submitted,

By: /s/ William H. Chamblee

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**CERTIFICATE OF CONFERENCE**

I do hereby certify that on February 17, 2017, Caleena D. Svatek conferenced called and emailed Plaintiffs' counsel to attempt to conference on this motion. At this time, Plaintiffs' counsel has not responded.

/s/ William H. Chamblee

**William H. Chamblee**

**CERTIFICATE OF SERVICE**

I do hereby certify that on February 17, 2017, a true and correct copy of the above and foregoing document has been forwarded to all counsel of record via electronic filing.

/s/ William H. Chamblee

**William H. Chamblee**