

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL M. MURPHY, M.D. and
MICHAEL M. MURPHY, M.D., INC.,
d/b/a EAU CLAIRE NEUROSCIENCE,

Defendants.

ORDER

04-C-0337-C

Defendants have moved to have the trial of this case held in Eau Claire, Wisconsin. After considering the filings of both sides, I am denying the motion. Plaintiff United States will be calling significant numbers of persons from the Madison area; defendants have given no indication of any actual witnesses that they will be calling from the Eau Claire area. They allege in vague terms that they may be calling certain Medicare beneficiaries that Dr. Murphy has treated.

It is unlikely that medical patients can testify to any relevant information about defendants' billing practices, which are the key issue in the trial. They would not be apt to know (or to remember) what services defendants provided them four or five years ago. In

any event, as the government has pointed out, defendants' charts are the relevant information. They should show what services defendant Murphy's patients received. If they omit service that patients received, their accuracy becomes another issue in the case against defendants.

Holding trial in another city is costly in terms of court staff and resources. In the absence of any good reason to hold this trial in Eau Claire, defendants' motion is DENIED.

Entered this 7th day of September, 2004.

BY THE COURT:

BARBARA B. CRABB
District Judge