

FILED
AT 1:20 O'CLOCK P M

SEP 03 2015

MDL NO. 15-0360

IN RE: ALL RELATED MATTERS IN THE
HIDALGO COUNTY HOSPITAL LIEN
MULTI-DISTRICT LITIGATION

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LAURA HINOJOSA, CLERK
District Courts, Hidalgo County
By [Signature] Deputy #45
430TH JUDICIAL DISTRICT
HIDALGO COUNTY, TEXAS

THE DEFENDANTS' MOTION TO REDESIGNATE CASE

TO THE HONORABLE JUDGE OF THIS COURT:

The defendants, McAllen Hospitals, L.P., Alegis Revenue Group, LLC, and Cardon Healthcare Network, Inc. ask the court to redesignate this case as:

IN RE: ALL RELATED MATTERS IN THE HIDALGO COUNTY
HOSPITAL LIEN MULTI DISTRICT LITIGATION

The defendants also ask the court for an order directing the clerk to modify the docket and all other clerk records to reflect the redesignation.

Texas Rule of Civil Procedure 71 allows the court to order redesignation of a case. Redesignation of this case is appropriate because the name chosen by the plaintiff is facially prejudicial and inflammatory.

The plaintiff's decision to designate this case IN RE FRAUDULENT HOSPITAL LIEN LITIGATION is unnecessarily prejudicial and inflammatory will likely cause observers—including potential jurors—to be confused about whether the core disputed issue in this case has already been determined. Legal news wire services have already started reporting on this case, and as coverage continues, the continuing and repeated reference to the current caption could taint the jury pool because the caption bears the imprimatur of the clerk's official records.

The current designation is incorrect and misleading because there has been no finding of fraud. It would be no different and no less egregious than if a case were designated *State v. Guilty Tom Robinson* or *U.S. v. Dr. Richard Kimble, Murderer*.

A brief survey of all current MDL cases shows that *none* bear a misleading, inflammatory, or prejudicial caption such as this one.¹ The current designation is improper, has no place, should never have occurred, and should have been changed with the agreement of the plaintiff's counsel without court intervention.

Respectfully submitted,

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¹ <http://www.txcourts.gov/about-texas-courts/multi-district-litigation-panel/available-multidistrict-litigation-cases.aspx>

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CERTIFICATE OF CONFERENCE

Pursuant to this court's instructions, the defendants attempted to confer with the plaintiff and obtain agreement on this matter but the plaintiff refused.

Joel W. Mohrman

CERTIFICATE OF SERVICE

The foregoing was served on all counsel of record by operation of the electronic filing system.

Joel W. Mohrman