## STATE OF VERMONT BOARD OF MEDICAL PRACTICE

In re: James M. Cartwright, AA-C	)	Docket No. MPC 161-1015
	)	

## STATE'S MOTION FOR CONTINUANCE

NOW COMES the State of Vermont, by and through the Office of the Vermont Attorney General, and files the following Motion for Continuance of the hearing scheduled for March 28, 2018 in the above captioned case, Docket Number MPC 161-1015. The State is seeking a two-week continuance of the hearing to allow the parties time to execute a Stipulation and Consent Order.

The parties have recently engaged in settlement negotiations, during which the Respondent has indicated his strong desire to settle this matter. On Friday, March 16<sup>th</sup>, the State sent Respondent a copy of a Stipulation and Consent Order for his review and signature. As agreed upon by the parties, the Stipulation and Consent Order was sent via UPS Overnight Delivery, and had a pre-paid postage, self-addressed UPS envelope for Respondent to mail the signed Stipulation and Consent Order back to the Vermont Office of the Attorney General.

However, toward the end of the business day on March 22, 2018, the State discovered that Respondent never received the Stipulation and Consent Order or the return envelope. Because Respondent is incarcerated at the Pensacola Federal Prison Camp, he cannot sign for or receive mail directly. Respondent reported to the undersigned Assistant Attorney General that, for some reason, the UPS package did not make it into the "legal"

Office of the ATTORNEY GENERAL 109 State Street Montpelier, VT 05609 mail" designation and the prison staff threw out the Stipulation and Consent Order and the return envelope.

On March 23, 2018, the State mailed a second Stipulation and Consent Order and pre-paid postage, self-addressed return envelope to Respondent. The UPS package was sent to Respondent, but to the attention of his case manager, and was clearly marked as being "legal mail." It is the State's understanding that these measures should increase the likelihood of Respondent receiving the UPS package.

The State is very confident that Respondent will sign the Stipulation and Consent Order. The Respondent has indicated as such to the undersigned Assistant Attorney General during the last two telephone conversations that occurred between the parties.

Based on the foregoing, the State is respectfully requesting a two-week continuance of the March 28, 2018 hearing to permit the parties to fully execute a Stipulation and Consent Order. The reason for this two-week period is to allow for any additional unforeseen issues with Respondent being able to receive the second UPS package and mail back the signed Stipulation and Consent Order given his current situation. If the State has not filed a fully executed Stipulation and Consent Order with the Board by April 11, 2018, the Board may reschedule the hearing.

Office of the ATTORNEY GENERAL 109 State Street Montpelier, VT 05609 Dated this 23<sup>rd</sup> day of March, 2018 at Montpelier, Vermont.

STATE OF VERMONT

THOMAS J. DONOVAN, JR. ATTORNEY GENERAL

By

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The Motion is GRANTED. The hearing scheduled for March 28, 2018 is cancelled. If no stipulation, signed by the parties, is filed on or before April 11, 2018 with the Board, then the matter shall be reset for hearing. SO ORDERED.

March 25, 2018

George Belcher, Presiding Officer

Office of the ATTORNEY GENERAL 109 State Street Montpeller, VT 05609