

FILED

MAY 14 1991

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

KANSAS STATE BOARD OF
HEALING ARTS

IN THE MATTER)

OF)

HERBERT L. KETTERMAN, M.D.)

CASE NO. 91-00157)

ORDER OF DISMISSAL

This matter comes on for consideration on this 3rd day of May, 1991 of the Motion to Withdraw Application filed by Herbert L. Ketterman (Applicant) on May 3, 1991. The Kansas State Board of Healing Arts (Board) appears by and through Steve A. Schwarm, Litigation Counsel. Applicant appears by and through Daniel J. Markowitz and Peter Smith of McDowell, Rice & Smith. The consideration of this motion is held by telephone conference without objection by the parties.

Having reviewed the record made, hearing arguments of counsel and being otherwise duly informed in the premises the following order is hereby entered:

The Motion to Withdraw Application is granted. The dismissal of this action shall be without prejudice.

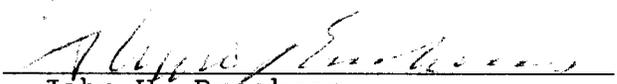
It is further ordered that no appearance by any party on Monday, May 6, 1991 shall be necessary. This order shall control and terminate all other matters now pending before the Board except as otherwise stated herein.

On May 2, 1991, by telephone conference, Applicant filed a Motion to Permit Discovery out of time. Such motion was granted to a limited extent. By the granting of the Motion to Withdraw Application, the Board is released from any and all compliance directed by the Presiding Officer for compliance with such request. Additionally on May 2, 1991 applicant filed a Motion for Continuance. Such Motion was denied and is included here for the purpose of completing the record made on May 2, 1991 without the necessity of a separate order.

All discovery completed in this matter shall be permitted to be utilized in any subsequent matter before the Board.

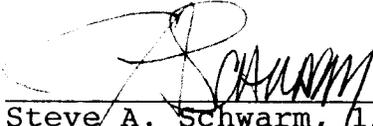
The Board shall be allowed to submit for consideration by the Presiding Officer such expenses which can not be recouped by the withdrawal of the application and which can not be utilized for future litigation. Such expenses must be related to those funds which are lost due to the granting of the Motion and will not grant an advantage to the party in any subsequent litigation. Such request must be filed within seven (7) days after the filing of this Order and shall be accompanied by affidavits.

IT IS THEREFORE ORDERED that the Motion to Withdraw Application to engage in the practice of medicine and surgery in the State of Kansas, filed by Applicant, is hereby granted and the dismissal of this action is without prejudice.

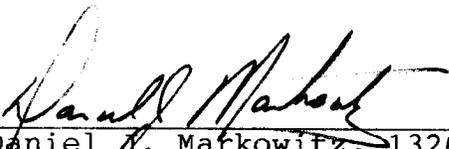


John W. Brookens
Presiding Officer

Prepared and approved by:



Steve A. Schwarm, 13232
Litigation Counsel
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, Kansas 66603
(913) 296-7413


Daniel J. Markowitz, 13262
120 West 12th Street, Suite 1300
Kansas City, MO. 64105
(816) 221-5400

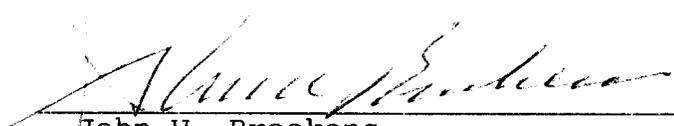
CERTIFICATE OF SERVICE

This shall certify that a true and correct copy of the forgoing Order of Dismissal was placed in the United States mail, first class postage prepaid to:

Daniel J. Markowitz
McDowell, Rice & Smith
Twelve Wyandotte Plaza
120 West 12th Street, Suite 1300
Kansas City, Missouri 64105-1932

and

Steve A. Schwarm
Litigation Counsel
Kansas State Board of Healing Arts
235 South Topeka Blvd.
Topeka, Kansas 66603


John W. Brookens