

1 **IN THE OFFICE OF ADMINISTRATIVE HEARINGS**

2
3 In the Matter of:

No. 2015A-EMS-0190-DHS

4 Maricopa Ambulance, LLC

CASE MANAGEMENT ORDER No. 13

5
6 **Order Denying Maricopa Ambulance**
7 **LLC's Motion to Reconsider Case**
8 **Management Order No. 12**

9 Applicant Maricopa Ambulance, LLC has filed a motion to reconsider Case
10 Management Order No. 12. The Rural/Metro Intervenors have filed a response in
11 opposition. Based on the response,

12 **IT IS ORDERED** denying Maricopa Ambulance, LLC's motion for
13 reconsideration. See A.A.C. R2-19-119(B)(3).

14 The Administrative Law Judge ("ALJ") notes that Maricopa Ambulance, LLC's
15 untimely Respondent to the Rural/Metro Intervenors' Objections to, and Motion to
16 Quash in Part, Maricopa Ambulance's Subpoena Duces Tecum asserts numerous
17 times the need for specific documents because "Maricopa Ambulance expects that R/M
18 will argue that Maricopa Ambulance being granted a CON will have a negative impact
19 on its financial operations" under A.A.C. R9-25-903(B)(2). This appears to be an
20 affirmative defense to the grant of a Certificate of Necessity to Maricopa Ambulance,
21 LLC that the Rural/Metro Intervenors will bear the burden to prove at the hearing under
22 A.A.C. R2-19-119(B)(2). If any of the parties' attorneys fail to disclose evidence to
23 establish matters on which they bear the burden of proof, either to comply with Case
24 Management Order Nos. 8, 9, and 11 or in response to their opponents' subpoenas
25 duces tecum, the ALJ may sustain other parties' attorneys' objections to the evidence
26 at the hearing and may not consider the evidence in her recommended decision to the
27 Director of the Arizona Department of Health Services.

28 Done this day: August 25, 2015.

29
30 /s/ Diane Mihalsky
Administrative Law Judge

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1 Copy e-mailed this 25th day of August, 2015, to all parties and interested persons on
the approved mailing list.

2 By: autogenerated and posted to [https://portal.azoah.com/oedf/documents/2015A-EMS-](https://portal.azoah.com/oedf/documents/2015A-EMS-0190-DHS/index.html)
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