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BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of:

**RBR Management LLC, dba
Community Ambulance**

Applicant.

Docket 2017-EMS-0104-DHS
(EMS No. 0283)

**MOTION TO STRIKE APPLICANT'S
RESPONSE TO AMR MOTION TO
INTERVENE**

The AMR CON holders (as specifically identified on p. 2 of their June 14, 2017 Motion for Intervening Party Status) hereby move, pursuant to AAC R2-19-102(C)(allowing reference to the Arizona Rules of Civil Procedure when no administrative regulation is on point), R2-19-106(A) and (D)(requiring ALJ rulings to be sought by way of motion, and requiring any responses to be filed within five days of service), R2-19-107(excluding Saturday and Sunday from the five day calculation), and Ariz.R.Civ.Pro. Rules 6(b)(allowing certain extension of time), and 7.1(f)(1)(setting limitations on motions to strike), for entry of this Office's order striking the Applicant's "Response to Motion for Intervening Party Status" on the grounds that it is untimely and was submitted by the Applicant without any motion to extend time for excusable neglect.

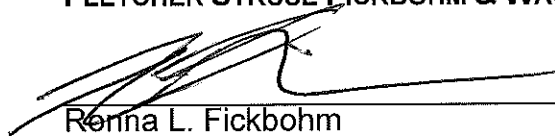
Counsel for the Applicant made his appearance on June 13, 2017 (see, OAH Document No. 3 in this matter). At that point, electronic service to him, of all matters subsequently filed, became automatic. The AMR CON holders filed their Motion for

1 Intervening Party Status on June 14, 2017,¹ which motion was then automatically served
2 upon all parties that had then appeared (at that juncture, this was only counsel for
3 Applicant, neither the undersigned nor counsel for ADHS/BEMSTS had made their
4 appearances). Five days, not including the weekend, then ran on June 21, 2017. As such,
5 Applicant's June 22, 2017 response is not allowed under AAC R9-19-106(D). That
6 regulation does not otherwise provide for a response. Applicant has not sought an
7 enlargement of time under the limited basis allowed by Ariz.R.Civ.Pro. Rule 6(b). As such,
8 it must be assumed that the filing is prohibited.

9 For all these reasons, the response should be stricken.

10 RESPECTFULLY SUBMITTED THIS 28 day of June, 2017.

11 **FLETCHER STRUSE FICKBOHM & WAGNER PLC**

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13 Ronna L. Fickbohm
14 Attorneys for AMR CON holders

15 Pursuant to Case Management
16 Order 1, electronic filing and
17 service of the foregoing through
18 <https://portal.azoah.com/oedf/>,
has been done this 28 day of
June, 2017


19 Courtesy copies delivered via email
20 only this 28 day of June, 2017 to:

21 Kevin Ray
22 Patricia LaMagna
23 Molly Bonsall
Assistant Attorney Generals
24 Office of the Attorney General
1275 W. Washington
Phoenix, AZ 85007
Attorneys for Arizona Department of Health Services/BEMSTS

25 _____
26 1 At that time, undersigned counsel was not aware of Applicant's counsel's Notice of
27 Appearance.

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