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BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS

In the matter of:

**RBR Management LLC, dba  
Community Ambulance**

**Docket 2017-EMS-0104-DHS  
(EMS -2083)**

**ABC AMBULANCE RESPONSE TO  
APPLICANT'S MOTION TO STAY**

ABC Ambulance opposes Applicant's motion to stay these proceedings.

While RBR Management LLC can argue that its motion for a stay does not prejudice any other party, the reality however, is quite different. RBR Management LLC's motion for a stay must be viewed in the context of its support of Dignity Health's assertion that the ALJ does not have jurisdiction to interpret and enforce the Customer Agreement. ABC agrees with the ADHS position that this court does indeed have the authority to adjudicate the contract. By granting the stay, this court could be perceived as accepting Dignity Health's assertion of this court's limited jurisdiction. Any erosion of OAH's authority would prejudice the ADHS as well as the other parties that rely on this OAH's expertise, administrative efficiency and judicial economy.

In the alternative, if the ALJ decides to grant the stay, ABC Ambulance would request that the stay remain in place until Dignity Health's expedited declaratory judgment action and request for

1 preliminary injunction has run its full course. One can imagine the chaos that would ensue if the  
2 Superior Court grants an injunction, the case proceeds at OAH without AMR as a party and then the  
3 injunction is overturned on appeal.

4 For these reasons, the ALJ should deny the motion for a stay and rule on AMR's motion to  
5 intervene. If this court chooses to defer to the Superior Court and issue the stay, then it should keep  
6 the stay in place until the Superior Court case has run its full course.

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8 RESPECTFULLY SUBMITTED this 15<sup>th</sup> day of August, 2017.

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10 *s/Greg Patterson*  
11 \_\_\_\_\_  
12 Greg Patterson  
13 Attorney for ABC Ambulance

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

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*/s/ Patricia Daly*  
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