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16 IN THE OFFICE OF ADMINISTRATIVE HEARINGS

17 In the Matter of:
18 RBR Management LLC, dba Community
19 Ambulance,
20
21 Applicant

Case No.: 2017-EMS-0104-DHS

**ADHS/BEMSTS' RESPONSE TO
NOTICE OF FILING MARICOPA
COUNTY SUPERIOR COURT
RULING DENYING DIGNITY'S
APPLICATION FOR PRELIMINARY
INJUNCTION; REQUEST FOR
ORDER APPROVING AMR CON
HOLDERS' INTERVENING PARTY
STATUS AND SETTING
SCHEDULING CONFERENCE BY
AMR CON HOLDERS**

(Assigned to the Hon. Tammy Eigenheer)

22 The Arizona Department of Health Services, Bureau of Emergency Medical
23 Services and Trauma System ("the Bureau" or "BEMSTS"), hereby responds to the
24 Notice Of Filing Maricopa County Superior Court Ruling Denying Dignity's
25 Application For Preliminary Injunction; Request For Order Approving AMR CON
26 Holders' Intervening Party Status And Setting Scheduling Conference by Multiple
27 AMR CON Holders ("AMR") (C.O.N. Nos. 136, 58, 66, 62, 86, 109, 46, 71, and 75).

28 Given the Superior Court's order denying the Applicant's request to enjoin the
AMR CON Holders from intervening, the Bureau has no objection to their intervention

1 and reiterates the position stated in its June 19, 2017 response to the AMR CON
2 Holders' Motion for Intervening Party Status that a CON holder whose service area is
3 overlapped by an applicant's proposed service area has a right to intervene.
4 Additionally, the Bureau joins the AMR CON Holders' request that a scheduling
5 conference be set to discuss a hearing date and prehearing deadlines.

6 DATED this 20th day of October, 2017.

7 MARK BRNOVICH
8 Attorney General

9 /s/ Kevin D. Ray
10 Kevin D. Ray
11 Patricia LaMagna
12 Molly Bonsall
13 Assistant Attorneys General
14 *Attorneys for BEMSTS*

15 **CERTIFICATE OF SERVICE**

16 **ORIGINAL** filed using the OAH electronic document filing system
17 <https://portal.azoah.com/oedf> this 20th day of October, 2017, with copies provided to all
18 parties on the approved mailing list this 20th day of October, 2017, by posting through
19 the designated OAH website at <https://portal.azoah.com/oedf/documents/2017-EMS-0104-DHS/index.html>.

20 By: /s/ Koren Lyons

21 PHX #6310641