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14 IN THE OFFICE OF ADMINISTRATIVE HEARINGS

15 In the Matter of:

16 RBR Management LLC, dba Community
17 Ambulance,

18 Applicant

Case No.: 2017-EMS-0104-DHS

**STIPULATED MOTION
REQUESTING ENTRY OF A CASE
MANAGEMENT SCHEDULING
ORDER RE: (1) CHANGE IN
HEARING DATES; (2) CHANGE IN
CASE DEADLINES; AND (3)
DESIGNATION OF HEARING
LOCATION.**

(Assigned to the Hon. Tammy Eigenheer)

19 RBR Management LLC, dba Community Ambulance (“Applicant” or
20 “Community Ambulance”), the Arizona Department of Health Services (“ADHS”),
21 Bureau of Emergency Medical Services and Trauma Systems (the “Bureau”), and
22 Intervenors ABC Ambulance, LLC (“ABC”), the AMR CON Holders (“AMR”), and
23 Maricopa Ambulance, LLC (“Maricopa Ambulance”) (collectively the “parties”) hereby
24 request entry of a comprehensive case management order regarding a change in hearing
25 dates; change in discovery, subpoena, and briefing deadlines; and the designation of a
26 permanent hearing location.

27 At the prehearing conference held on February 23, 2018, the parties and this
28 tribunal agreed to hearing dates of July 30 through August 3, and August 20 through

1 August 24; the parties also tentatively set aside additional hearing dates of September
2 10-14. Dates were also agreed upon for the filing of witness and exhibit lists, subpoena
3 requests, motions, and pre-hearing memorandums. In addition, the parties requested the
4 designation of a large hearing room capable of handling the number of parties involved
5 in the case. To date, no case management or scheduling order has been entered
6 reflecting the agreed upon dates or confirming a designated hearing room or location.

7 The deadline originally agreed upon for subpoena requests was May 10, 2018 and
8 the deadline for filing final exhibit lists was June 21, 2018. Multiple parties submitted
9 subpoenas for issuance; however, because the requested subpoenas were just issued on
10 June 22, 2018, and the parties anticipate the filing of objections to some of these
11 subpoenas, the previously agreed-to time deadlines have been compromised. All parties
12 recognize that it is important for parties to have the opportunity to obtain certain
13 documents that are appropriate for production via a subpoena duces tecum in this
14 proceeding from other parties sufficiently in advance of the final disclosure deadlines
15 and the start of the currently scheduled hearing to facilitate an efficient and fair hearing
16 process. The parties to this stipulation, however, do not intend to agree that any of the
17 subpoenas are, in whole or in part, appropriate, and each party reserves its right to assert
18 objections to any subpoena issued. To that end, the parties voluntarily agreed to extend
19 the deadline for each party to file its final list of witnesses and exhibits due to the
20 outstanding subpoenas. In addition, the parties have engaged in numerous discussions in
21 an attempt to informally address concerns raised about the breadth and relevance of
22 certain subpoenas.

23 Despite the good faith efforts of the parties to comply with the previously agreed
24 upon discovery and other deadlines, it has now become apparent that the current hearing
25 dates and other current filing deadlines are not realistic. Therefore, the parties
26 respectfully request this court issue a comprehensive case management order addressing
27 the following scheduling issues:
28

1 1. Vacating the scheduled hearing dates of July 30 through August 3, and
2 August 20 through August 24, and the tentative hearing dates of September 10-14;

3 2. Setting this matter for a 10-day hearing on the following dates: October 9-
4 12, October 22-26, and October 29.¹

5 3. Identifying a hearing room location sufficient to accommodate the
6 numerous parties, their counsel, and witnesses for those hearing dates;

7 4. Setting July 18, 2018 as the deadline for filing any and all objections to the
8 subpoenas issued on June 22, 2018;

9 5. Setting August 31, 2018 as the deadline for filing Final Witness and
10 Exhibit Lists and exchanging Exhibits;

11 6. Setting September 6, 2018 as the deadline for filing any Motions, and
12 responses to any Motions filed on or before September 6, 2018 shall be due on
13 September 13, 2018.

14 7. Setting October 1, 2018 as the deadline for filing pre-hearing memoranda
15 in lieu of oral opening statements.

16 DATED this 26th day of June, 2018.

17 MARK BRNOVICH
18 Attorney General

19 /s/ Kevin D. Ray
Kevin D. Ray
Assistant Attorney General
Attorney for BEMSTS

21 /s/ Brendan Murphy
22 Brendan Murphy
Jeffrey Meyerson
Attorneys for Applicant

24 /s/ Ronna L. Fickbohm
25 Ronna L. Fickbohm
Paul McGoldrick
Attorneys for Intervenor-AMR CON
26 Holders

27 _____
28 ¹ The parties recognize that newly enacted HB 2196 limits the maximum number of
initial hearing dates to 10 days. By agreeing to the setting of new hearing dates, no party
waives any right to request additional hearing dates as allowed under that bill.

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/s/ James J. Belanger
James J. Belanger
Attorney for Maricopa Ambulance, LLC

/s/ Adriane J. Hofmeyr
Adriane J. Hofmeyr
Attorney for ABC Ambulance, LLC

CERTIFICATE OF SERVICE

ORIGINAL filed using the OAH electronic document filing system <https://portal.azoah.com/oedf> this 26th day of June, 2018, with copies provided to all parties on the approved mailing list this 26th day of June, 2018, by posting through the designated OAH website at <https://portal.azoah.com/oedf/documents/2017-EMS-0104-DHS/index.html>.

By: /s/ Koren Lyons
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