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7 **BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS**

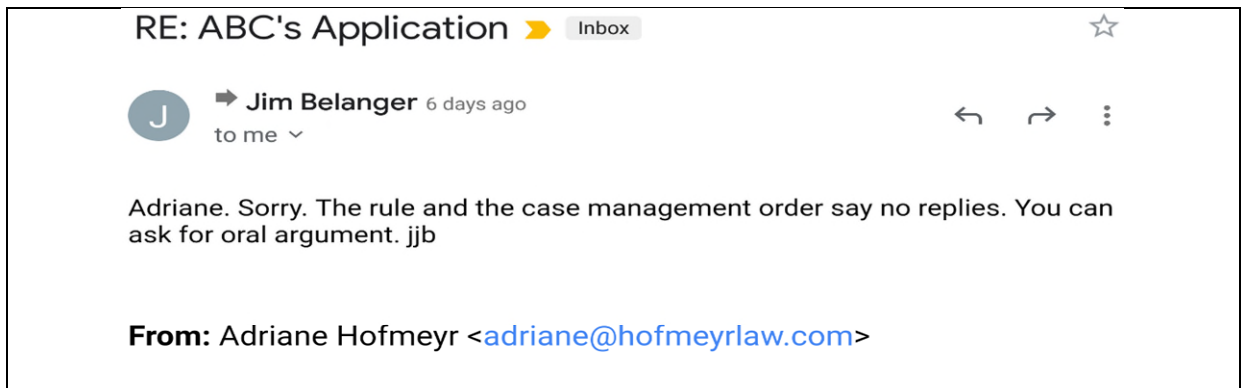
8 In the Matter of: 9 ABC Ambulance LLC 10 Applicant.	11 Docket No. 2019-EMS-0151-DHS 12 ADDENDUM TO ABC'S REQUEST FOR ORAL ARGUMENT 13 (Assigned: The Hon. Thomas Shedden)
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14 For the record, Applicant, ABC Ambulance, LLC, ("ABC") hereby adds an
15 addendum to its Request for Oral Argument filed on July 1, 2019 ("Request") for the
16 following reason:

17 In its Request, ABC noted that counsel for intervenor Maricopa Ambulance "was
18 not opposed to oral argument." Request, p. 1. In a response filed on the same day, counsel
19 for Maricopa Ambulance advised the ALJ that "[j]ust to set the record straight, ABC's
20 request for oral argument incorrectly states that Maricopa Ambulance is not opposed to oral
21 argument on ABC's motion for rulings of law. Not so." Counsel for Maricopa Ambulance
22 failed to include the exact wording of his response to ABC's counsel, creating the
23 impression that counsel for ABC *misrepresented* Maricopa Ambulance's position to the
24 ALJ.

25
26
27 ABC's counsel relied upon an affirmative statement made by Maricopa's counsel
28 that "You can ask for oral argument" as the basis for her belief that Maricopa was not

1 opposed to oral argument. The entirety of the email exchange is attached (marked **Exhibit**
2 **A**) showing counsel's response as follows:



10 This response (“you can ask for oral argument”) was the basis of ABC’s counsel’s
11 understanding that Maricopa Ambulance did not oppose oral argument, as ABC’s counsel,
12 having participated in several previous CON hearings, is aware of the regulation permitting
13 a request for oral argument, and thus did not imagine that Maricopa Ambulance’s counsel
14 thought she needed to be informed of this. Counsel for ABC may have misinterpreted Mr.
15 Belanger’s intention, but her interpretation of the email was reasonable, and it was certainly
16 not ABC’s intent to misrepresent the communication to the ALJ.
17

18

19 RESPECTFULLY SUBMITTED this 3rd day of July, 2019.

20 HOFMEYR LAW PLLC
21 By /s/ Adriane J. Hofmeyr
22 Adriane J. Hofmeyr
23 *Attorney for ABC Ambulance, LLC*

24 **CERTIFICATE OF SERVICE**

25 ORIGINAL filed using the OAH electronic document filing system
26 <https://portal.azoah.com/oedf> this 3rd day of July, 2019, with copies provided to all parties
27 on the approved mailing list this 3rd day of July, 2019, by posting through the designated
28 OAH website at <https://portal.azoah.com/oedf/documents/2019-EMS-0151-DHS/index.html>.

By: /s/ Adriane Hofmeyr

EXHIBIT A



Adriane Hofmeyr <adriane@hofmeyrlaw.com>

RE: ABC's Application

1 message

Jim Belanger <jjb@jbelangerlaw.com>
To: Adriane Hofmeyr <adriane@hofmeyrlaw.com>

Thu, Jun 27, 2019 at 6:04 PM

Adriane. Sorry. The rule and the case management order say no replies. You can ask for oral argument. jjb

From: Adriane Hofmeyr <adriane@hofmeyrlaw.com>
Sent: Thursday, June 27, 2019 5:20 PM
To: Jim Belanger <jjb@jbelangerlaw.com>
Subject: ABC's Application

Hi Jim,

Assuming you'll be filing a Response to ABC's Motion for Ruling on Issues of Law ... I would like to have the opportunity to file a Reply brief (alternatively oral argument), given the complexity and novelty of the issues raised. Would your client be opposed?

Adriane

--

Adriane Hofmeyr

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