

BEFORE THE OKLAHOMA STATE DEPARTMENT OF HEALTH
OFFICE OF ADMINISTRATIVE HEARINGS

STANDING ORDER NO. 2

PREHEARING PROCEDURE ORDER

(Attachment to Order Setting Prehearing Conference)

The following has been adopted by the Office of Administrative Hearings, within the purview of the Oklahoma Administrative Code, as a guideline for conducting prehearing conferences which are normally conducted by telephone and shall be for the purpose of dealing with one or more of the following matters:

- (1) Exploration of settlement possibilities. (Parties must discuss settlement prior to hearing.)
- (2) Preparation of stipulations.
- (3) Formulating, clarification and simplifying of issues.
- (4) Plan for conducting discovery with completion dates.
- (5) Rulings on the identities and limitation on the number of witnesses.
- (6) Objections to proffers of evidence.
- (7) Order of presentation of evidence and cross-examination.
- (8) Rulings regarding issuance of subpoenas and protective orders.
- (9) Schedules for the submission of written briefs.
- (10) Schedules for the conduct of future hearings or trial.
- (11) Arranging for the exchange of exhibits.
- (12) Any other matter to promote the orderly and prompt conduct of the adjudication and the interests of justice.

The administrative law judge shall issue a prehearing order, which he may direct one or more of the parties to prepare, incorporating the matters determined at the pre-hearing conference. The order shall recite the agreements made by the parties as to any of the matters considered and which limit the issues to those not disposed of by admissions or agreements of counsel. Such order, when entered, controls the subsequent course of the proceeding, unless modified to prevent manifest injustice.

The parties should confer prior to the first prehearing conference regarding the topics listed above. Any issue requiring early resolution should be brought to the court's attention at the prehearing conference. A trial date and/or scheduling order will be determined at the prehearing conference.

NOTICE: All Prehearing Statements must be sent to the Office of Administrative Hearing at 1000 NE 10th, Oklahoma City, Ok 73117, and to all other parties **at least 5 days** prior to the date of the prehearing. (OAC-310:2-21-10)

Adopted January 29, 2008

/s/Gary E. Payne
CHIEF ADMINISTRATIVE LAW JUDGE

Office of Administrative Hearings
Oklahoma State Department of Health
1000 N.E. 10th Street
Oklahoma City, OK 73117-1299
Office: (405) 271-1269; Fax: (405) 271-5604

NOTICE: Under Oklahoma law, any party to a proceeding who is not an individual is prohibited from representing itself before this Court.

The Prehearing Statement should be in substantially the following format:

PREHEARING/PRE-TRIAL STATEMENT

Name of Party appearing or being represented:

Date:

Case No. _____

(Note: For each answer use additional pages if needed.)

1. PARTY'S POSITION STATEMENT

Explain your position on this case.

2. LEGAL ISSUES

Identify major disputed legal issues.

3. FACTUAL ISSUES

Identify major disputed factual issues.

4. WITNESS LIST

List of all witnesses that you intend to call for trial. Also, as to each witness a statement of their status (i.e., relative, neighbor, expert, etc.).

5. EXHIBIT LIST

List all exhibits that you intend to introduce at trial.

6. PARTY'S SETTLEMENT PROPOSAL (if applicable)

Has settlement been discussed with other party? Yes _____ No _____

If so, what is status, i.e., ongoing, terminated, etc.?

7. OTHER ISSUES

List motions, proposed stipulations, or other issues you desire to discuss.

Address of Party/Attorney: _____

Street Address, City, State, Zip Code

Telephone Number: _____

Facsimile Number: _____

Email Address: _____

Signature of Party or Attorney