

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE DEPARTMENT OF HEALTH

In the Matter of the Involuntary Discharge/Transfer of S.S., Petitioner, by Heritage of Foley Nursing Center, Respondent	PREHEARING ORDER
--	-------------------------

Hearing was scheduled to be held on December 14, 2009 in the captioned matter. The Parties are engaged in settlement discussions and requested that a continuance be granted.

IT IS HEREBY ORDERED:

1. Hearing in this matter is continued to **January 7, 2010**. Hearing will commence at 2:00 p.m. at Heritage of Foley Nursing Home, 253 Pine Street, Foley, MN 56329.
2. The parties shall exchange proposed written exhibits and witness lists and file an index of exhibits and a copy of the witness list with this office by **January 2, 2010**. To the extent possible, the parties shall enter into prehearing stipulations regarding the facts involved in the hearing and foundation for anticipated exhibits. Any party objecting to foundation for any written exhibit must notify the offering party and judge in writing at least two working days prior to the hearing or the foundation objection is waived. The Department shall pre-mark its hearing exhibits sequentially beginning with number 1. The Respondents shall pre-mark their exhibits sequentially beginning with number 100.
3. In the event that either side requests a court reporter, notice shall be given to the Office of Administrative Hearings no later than **December 29, 2009**. A court reporter will not be allowed at the hearing unless the undersigned Administrative Law Judge has received notice and approved the request for a court reporter.
4. Requests for subpoenas for the attendance of witnesses or the production of documents shall be made in writing to the administrative law judge pursuant to Minn. R. 1400.7000. A copy of the subpoena request shall be served on the other parties. A subpoena request form is available at www.oah.state.mn.us.

5. The parties have not requested accommodation for a disability or appointment of an interpreter. The Office of Administrative Hearings shall be notified promptly if either an accommodation or interpreter is needed.

6. This case may be appropriate for mediation. The parties are encouraged to promptly consider requesting the Chief Administrative Law Judge to assign a mediator so that mediation can be scheduled promptly.

Dated: December 11, 2009

s/Linda F. Close

LINDA F. CLOSE
Administrative Law Judge