

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE DEPARTMENT OF HUMAN SERVICES

In The Matter of the Maltreatment
Determination and Order to Forfeit Fine
for New Horizon Child Care Center

FIRST PREHEARING ORDER

A prehearing conference was held in the above-captioned matter by telephone on July 6, 2006, at 1:30 p.m. Jonathan Geffen, Assistant Attorney General, 445 Minnesota Street, Suite 900, St. Paul, MN 55101-2130, appeared on behalf of the Department of Human Services. Thomas J. Hunziker, Attorney at Law, Dunkley and Bennett, P.A., 701 Fourth Avenue South, Minneapolis, MN 55415, appeared on behalf of the Respondent, New Horizon Child Care Center.

Based upon discussions with counsel during the prehearing conference, IT IS HEREBY ORDERED as follows:

1. By July 21, 2006, or earlier if possible, the Department will provide counsel for New Horizon with a copy of its file relating to this matter.
2. By July 24, 2006, the Department shall serve New Horizon with a statement identifying persons it expects to call as expert witnesses in this matter and, by August 11, 2006, New Horizon shall serve the Department with a statement identifying persons it expects to call as expert witnesses in this matter. These statements shall describe the subject matter of the expected testimony, state the substance of facts and opinions to which the expert is expected to testify, and provide a summary of the grounds for each opinion.
3. All discovery in this matter shall be completed by August 21, 2006.
4. All motions shall be served and filed by August 21, 2006.
5. Counsel shall exchange and file proposed exhibit and witness lists by August 28, 2006. The witness lists shall include a brief summary of the expected testimony of each witness. To the extent possible, the parties shall enter into prehearing stipulations regarding the facts involved in the hearing and foundation for anticipated exhibits.
6. Counsel shall notify the Administrative Law Judge by September 11, 2006, whether they will require the services of a court reporter at the hearing. Otherwise, the hearing will be tape-recorded.

7. The hearing in this matter shall be held on September 18 - 21, 2006, commencing at 9:30 a.m. each day in the courtrooms of the Office of Administrative Hearings, 100 Washington Avenue South, Suite 1700, Minneapolis, Minnesota.
8. The parties shall appear at the hearing with at least three copies of each exhibit they plan to offer into evidence. Exhibits shall be pre-marked using Arabic numbers without designation of the party offering the exhibit.

Dated: July 10, 2006.

s/Barbara L. Neilson

BARBARA L. NEILSON
Administrative Law Judge