

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE DEPARTMENT OF HUMAN SERVICES

In the Matter of the Appeal of the
Maltreatment Determination and Order to
Forfeit a Fine of New Horizon Academy

PREHEARING ORDER

A prehearing conference was held on June 12, 2009, by telephone. Cara M. Hawkinson, Assistant Attorney General, appeared on behalf of the Department of Human Services. Thomas J. Hunziker, Dunkley and Bennett, P.A., and Jill J. Gilbertson, Esq., appeared on behalf of New Horizon Academy.

IT IS HEREBY ORDERED:

1. Discovery shall be completed by August 7, 2009.
2. By August 24, 2009 the parties shall identify persons expected to be called as expert witnesses.
3. By August 24, 2009 the parties shall file a statement describing the subject matter of expected expert testimony, the substance of the facts and opinions to which the expert is expected to testify, and provide a summary of the grounds for each opinion, any report prepared by the expert for this matter, and a curriculum vitae for the expert.
4. Any dispositive motions shall be served by August 24, 2009 and the responding party shall have ten working days to respond.
5. This matter is scheduled for hearing on **September 14 and 15, 2009**, commencing at **9:00 a.m.** at the Office of Administrative Hearings, 600 Robert St. N., St. Paul, MN 55101.
6. 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 September 4, 2009. 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.

7. In the event that either side requests a court reporter, notice shall be given to the Office of Administrative Hearings no later than September 4, 2009.

8. A second telephonic prehearing conference is scheduled for August 7, 2009, at 10:00 a.m.

9. 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.

10. 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.

11. 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: June 15, 2009

s/Raymond R. Krause

RAYMOND R. KRAUSE
Chief Administrative Law Judge