



District of Columbia Department of Employment Services

OFFICE OF HEARINGS AND ADJUDICATION
ADMINISTRATIVE HEARINGS DIVISION
64 New York Ave., N.E., Suite 2100, Washington, D.C. 20002
(202) 671-2233

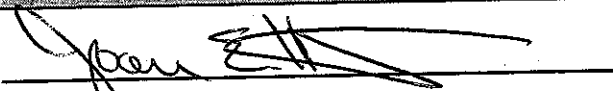
Claimant John Marshall	Scheduling Order
v.	Claim Type: Private
Employer Washington Metropolitan Area Transit Authority (WMATA)	AHD No.: 08-022A
Carrier / Insurer	OWC No.: 624008
	Assigned Hon.: Joan E. Knight
	AFH Assigned Date: 11/12/2008

It is hereby Ordered:

1. The Formal Hearing in the above-captioned matter will convene on **02/10/2009** at **9:00 AM**. Each party will limit his or her presentation of evidence and argument to one hour. During this one hour time period a party may, at the option of the Administrative Law Judge, present opening and closing statements, and will direct the examination of his or her witness[es], including rebuttal witnesses. Any party may request an additional one hour to present its evidence. The written request shall state the basis therefor, and will contain a proffer of the evidence to be adduced during the extended period. All requests for extensions of time shall be submitted on or before thirty days prior to the hearing and no hearing shall be extended to longer than four hours, absent a showing of good cause.
2. The parties are advised that a completed Joint Pre-Hearing Statement (JPHS) and Stipulation Form (SF) shall be jointly executed and submitted to the Administrative Hearings Division (AHD) by the party requesting the hearing on or before **12/30/2008**. The JPHS and SF may be obtained from the DOES website, at www.does.dc.gov. Any party may request that a JPHS or SF be mailed by calling AHD at (202) 671-2233.
3. Any witnesses not identified in the JPHS shall not be permitted to testify except upon motion of the offering party for good cause shown. Impeachment witnesses need not be named.
4. Discovery in the instant matter shall be completed on or before **01/13/2009**. Motions to Compel Discovery shall contain a statement that sets forth the good faith efforts made to contact the adverse party to resolve any discovery disputes. A statement identifying the good faith efforts shall accompany the Motion to Compel. Failure to set forth the good faith effort shall result in a denial of the motion.
5. All motions to amend the JPHS or SF shall be filed with AHD on or before **01/20/2009**. Responses to said motions shall be filed with AHD within five (5) business days of service of said motion. A party's failure to respond to said motion(s) within five (5) business days shall be deemed acquiescence thereto.
6. All documentary exhibits, including *de bene esse* depositions, shall be bound, tabbed, and indexed and shall be served upon the opposing party and filed with AHD by **01/27/2009** and shall contain a certificate of service indicating the manner in which said exhibits were served.

7. Where, after due and sufficient communication between counsel/representatives of the respective parties concerning the nature of the issues presented for resolution, it is determined the matter may be presented upon documentary evidence and/or written argument, the parties may waive their right to a full evidentiary hearing and submit the matter on documents only. To do so, the parties must jointly file a motion with the Administrative Law Judge to submit the matter on brief no later than ten (10) days prior to the formal hearing date named herein.
8. Any request for translation services shall be made in writing to the AHD on or before **12/30/2008**. It shall contain the date and time of the formal hearing, and the particular language and/or dialect, required by the party or witness. Where either party or witness requires reasonable accommodation on the part of AHD for a physical or mental impairment, a request for such accommodation shall be made in writing to the Clerk of the AHD on or before **12/30/2008**. The request which shall contain the date and time of the formal hearing and specifically delineate the nature of the impairment and the requested accommodation.
9. Where the party applying for a formal hearing withdraws its application less than twenty-four hours of the convening of the hearing, the costs of the court reporter incurred by AHD attendant to the hearing will be assessed against said party. Where the parties jointly reach a settlement of the matter within twenty-four hours of the convening of the hearing, the cost of the court reporter attendant to the hearing will be assessed equally against the parties. In all matters in which an interpreter has been requested, notice of the withdrawal of the application for hearing or settlement must be given to AHD seventy-two hours prior to the convening of the scheduled formal hearing in order to avoid equal assessment of the costs incurred.
10. A Motion for Continuance filed with or without consent shall be granted only upon a showing of good cause. Under no circumstance may a hearing occur more than 180 days after the filing of an Application for Formal Hearing unless waived in writing by all parties.
11. The Agency may, at its discretion, set a status conference which may be conducted via telephone.
12. The Agency shall issue a Show Cause Order to a party who fails to perform pursuant to this Scheduling Order, to remedy the failure to perform within 5 working days of receipt of the Order to Show Cause. If the failure is not remedied, the agency may take appropriate action, including dismissal of the Application for Formal Hearing without prejudice, or setting the matter for *ex parte* proof pursuant to D.C.M.R. §222.4.

ADMINISTRATIVE HEARINGS DIVISION



Joan E. Knight

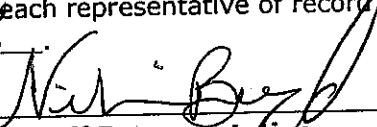
Dated: 11, 14, 2008

Administrative Law Judge

PROOF OF SERVICE

I certify that I served a copy of the above order upon each representative of record by certified mail, postage prepaid on 11 / 14 / 08.

Dated: 11 / 14 / 08



Staff Representative

Parties Served:

Employer Counsel:

Insurer Counsel: Donna Henderson, Esquire

Claimant Counsel: Benjamin Boscolo, Esquire

cc: John Marshall