

## **BRIEFING SCHEDULE**

**(Distributed to Parties: January 25, 2016)**

### **Closing Briefs:**

- Supplemental briefs on evidentiary objections are due 2 weeks after receipt of the hearing transcript. Written supplemental briefs shall not exceed 20 pages.
- Reply briefs on evidentiary objections will be permitted, and will be due 1 week after the due date for supplemental briefs. Reply briefs shall not exceed 10 pages. Reply briefs may discuss any issues raised in the supplemental brief of any party.
- Closing briefs will be due 2 weeks after the Hearing Officers issue a ruling on evidentiary objections. Such ruling will include instructions on closing briefs.
- MID, TID, and CCSF may also file briefs. Same page limits and deadlines.
- Briefs shall not exceed 1.5 spacing and 12 point font size. Staff will provide notification to the service list when the transcripts have been posted and when the due dates are set for supplemental, reply, and closing briefs.
- The Hearing Officers will hold the record open until we rule on whether exhibits WR-147 and WR-153 should be admitted. However, no new exhibits may be submitted.

### **Issues for supplemental briefs:**

1. Whether the evidence objected to in the Prosecution Team's pre-hearing motion to strike/motion in limine is relevant to determining whether an unlawful diversion occurred per Key Issue 1
2. Whether exhibit WR-147 and related testimony is admissible, per Mr. Fahey's objections on cross-examination and rebuttal and his associated motions. Briefs should address:
  - a. Mr. Fahey's hearsay objection and section 11513 of the Government Code
  - b. Mr. Fahey's objection that the PT failed to disclose exhibit WR-147 prior to the hearing
3. Whether rebuttal exhibit WR-153 and related testimony is admissible, per Mr. Fahey's objections on rebuttal and his associated motions. Briefs should address Mr. Fahey's objection that the PT failed to disclose rebuttal exhibit WR-153 prior to the hearing