CITY OF SPOKANE ETHICS COMMISSION

Neil Muller, Complainant, vs. Karen Stratton, Respondent		PREHEARING ORDER

The parties have stipulated to the following prehearing order regarding the hearing on the complaint filed with the Ethics Commission.

I. Date, Time and Location of Hearing:

The hearing on this matter will be held on December 18, 2019 at 3:00 p.m. at Spokane City Hall, Council Chambers, or as otherwise directed.

II. Briefing Schedule

(i)   The complainant shall submit an opening briefing addressing the allegations set forth in the complaint by November 27, 2019.

(ii)   The respondent shall submit a reply brief by December 4, 2019.

(iii)   The complainant shall submit a rebuttal brief by December 11, 2019.

(iv)   The respondent's reply brief may include any motions to dismiss. The complainant's rebuttal brief may include a response to any motions to dismiss.

(v) The party filing a brief shall file the original brief with the Ethics Commission and serve a copy on the opposing party. Service may be completed electronically by sending the pleadings, along with all attachments, exhibits, affidavits or other documentation via e-mail by the deadlines set forth above.

(vi) Service upon the Ethics Commission shall be accomplished by serving the pleadings and documents with the City Attorney's Office.

(vii) Objections to any material filed by the parties shall be submitted to the Ethics Commission by December 13, 2019.

(viii) Affidavits and exhibits not objected to will be deemed admissible.

III. Testimony

(i) Pursuant to SMC 1.04A.110 F. 1, the Commission shall consider additional evidence submitted by the parties including the submission of affidavits and documentary evidence. By December 11, 2019, each party shall notify the Commission and the opposing party if the person signing the affidavit (the "Affiant") shall be required to attend the December 18, 2019 hearing in order to provide the opposing party the opportunity to cross-examine the individual. The party submitting the affidavit shall assure the attendance of the Affiant.

(ii) If a party intends to call a witness other than an affiant, that party shall submit the name or names of all witnesses to the Ethics Commission and serve the opposing party with the name(s) of the witness by

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November 27, 2019. Any objections must be served and filed before December 13, 2019.

IV. Hearing Procedure

(i)   Only the complainant and the respondent or their legal representatives may participate at the hearing.

(ii)   Witnesses, if any, shall testify under oath.

(iii)   The Commission will hear arguments concerning any objections to exhibits or witnesses prior to any motions or arguments on the merits.

(iv)   The Commission will next hear and rule upon any motions to dismiss or other similar dipositive motions prior to arguments on the merits. The party submitting the motion shall proceed first with presenting their argument in support of the motion. The opposing party shall respond to the motion followed by rebuttal by the moving party.

(v)   The Commission shall proceed to the hearing on the merits of the complaints for any remaining allegations or issues as follows:

Opening Statement (non-argumentative summary of evidence to be presented) by Complainant.

(a)   Presentation of Complainant's Case.

(b)   Cross Examination of witnesses or affiants by Respondent.

(c)   Questions by Commission.

(d)   Follow-up Questions by Complainant and Respondent.

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(e)   Complainant rests.

(f)   Opening Statement (non-argumentative summary of evidence to

be presented) by Respondent.

(g)   Presentation of Respondent's Case.

(h)   Cross Examination of witnesses or affiants by Complainant.

(i)   Questions by Commission.

(j)   Follow-up Questions by Complainant and Respondent.

(k)   Respondent rests.

(l)   Final Arguments.

Approved by _Approved Telephonically___ 10/30/19_
            Complainant   Date

Approved by _Approved Telephonically___ 10/30/19_
            Respondent   Date

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