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LOUISVILLE METRO COUNCIL

COMMONWEALTH OF KENTUCKY
LOUISVILLE METRO GOVERNMENT
JEFFERSON COUNTY KENTUCKY

**IN THE MATTER OF CHARGES AGAINST
DISTRICT 21 COUNCILMAN DAN JOHNSON**

**CHARGING COMMITTEE'S RESPONSE TO
RESPONDENT'S MOTION FOR SEPARATION OF WITNESSES**

Comes the Charging Committee, by counsel, and objects to the Respondent Councilman Dan Johnson's Motion for Separation of Witnesses as an attempt to disrupt the Council Court's orderly proceedings by importing a rule applicable to judicial proceedings into this administrative proceeding.

Respondent has correctly explained to this Court that the evidentiary rules to be used in these proceedings are the generally accepted rules for administrative proceedings. Respondent has further correctly explained that the generally accepted rules for administrative proceedings do not require separation of witnesses. If Respondent succeeds in persuading the Court to impose a judicial mandate on this proceeding it will create enormous confusion and delay as the parties and the Court battle over the rules governing the proceedings.

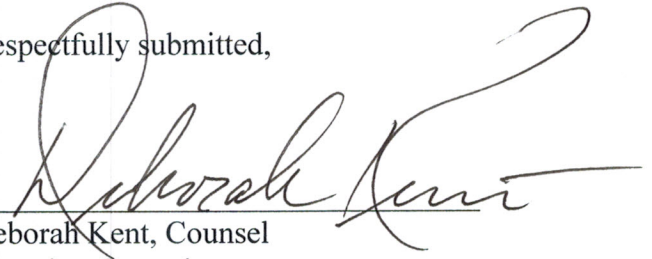
There are many, many differences between the rules of administrative proceedings and judicial proceedings. If Respondent opens this can, many, many worms will emerge and ultimately derail the entire hearing as each procedural and evidentiary rule of administrative law has to be explained and justified to the Court simply because the Respondent's counsel prefers judicial rules.

Nor has Respondent offered any compelling reason the lack of separation will violate his right to due process except to make the insulting suggestion that Charging Committee members

will tailor their testimony to harmonize with other witnesses.

The Respondent has not shown the necessity of this separation, or any basis other than a nasty supposition, to state that Respondent's due process rights are threatened. As Respondent has not, the Charging Committee respectfully requests that this Motion be overruled.

Respectfully submitted,



Deborah Kent, Counsel
Charging Committee

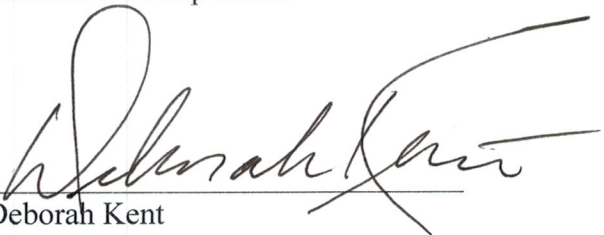
CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing was sent via email and first class mail to the following on October 20, 2017:

Hon. Stephen Ott
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Deborah Kent