

LOUISVILLE / METRO
COUNCIL COURT

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COMMONWEALTH OF KENTUCKY
LOUISVILLE/METRO GOVERNMENT
JEFFERSON COUNTY

A. Ott



IN THE MATTER OF THE REMOVAL CHARGES AGAINST DISTRICT TWENTY-ONE COUNCILMAN
DAN JOHNSON

REMOVAL HEARING
SCHEDULING ORDER

This action came before the Council Court on September 14, 2017, at a Special Meeting. After discussion with counsel and the Council Court being sufficiently advised:

IT IS ORDERED AS FOLLOWS:

1. **Removal Process Hearing Date:** This action is assigned for a HEARING ON THE REMOVAL CHARGES BEFORE THE COUNCIL COURT beginning on **NOVEMBER 1, 2017, AT 1:00 P.M.** No continuances shall be granted, even by agreement of the parties, without prior approval of the Council Court. Pursuant to RULE 6 of the Removal Hearing Rules and Procedures, any request for continuance must be submitted in writing and filed with the Clerk immediately upon the occurrence of the circumstances which prompt the request. (See RULE 6). The opposing party may file a response within five (5) calendar days of receipt of the continuance request. In the event a hearing date is continued, the deadlines contained in this order shall be continued and recalculated in conformity with the new hearing date assigned.
2. **Final Prehearing Conference and Motions in Limine:** A final prehearing conference with the Council Court is scheduled for **Wednesday, October 25, 2017 at 4 P.M.** The Council Court shall take its required oath on this date. Pursuant to RULE 7 of the Removal Hearing Rules and Procedures all motions, procedural or summary, and motions in limine shall be made in writing and filed with the Clerk by **Wednesday, October 18, 2017** (at least fourteen (14) days prior to the scheduled hearing on the removal charges). (See RULE 7). Either party opposing the motion may file a response in the same manner within five (5) calendar days after receipt of any motion. At the preliminary hearing, the Chair will consider all evidentiary motions. Per RULE 4 and 7,

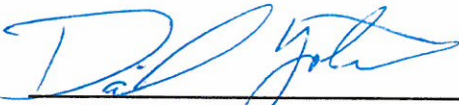
Summary Motions and Motions to Dismiss will be voted upon by the Council Court at the commencement of the hearing on the removal charges.

3. **Witness List:** Each party shall file a list containing the name, address and a brief description of the anticipated testimony of all persons who will testify at the hearing. (See RULE 8). The witness list shall indicate whether each witness will testify live or by deposition. Pursuant to RULE 8 of the Removal Hearing Rules and Procedures, Respondent and the Charging Committee shall exchange a witness list, and file the list accompanied by the required information with the Clerk and the County Attorney by **Monday, October 23, 2017** (ten days (10) prior to the hearing on the removal charges). (See RULE 8).
4. **Exhibits:** In accordance with RULE 8 of the Removal Hearing Rules and Procedures, each Party shall file a list identifying each exhibit that party intends to introduce or use at trial. (See RULE 8). The exhibit list shall be filed with the Clerk and County Attorney by **Monday, October 23, 2017** (ten (10) days prior to the hearing on the removal charges). Copies of all records or documents each party expects to tender as evidence should be exchanged and provided to Clerk and County Attorney by **Monday, October 23, 2017** (at least ten (10) days prior to the scheduled hearing on removal charges). Physical evidence not susceptible to photocopying or reproduction shall be made available for inspection by that date. All exhibits and materials to be used during the hearing must be marked for identification purposes with label obtained from the Council Court Clerk.
5. **Objections to Exhibits:** All objections to the admissibility or introduction of documents, reports, or exhibits disclosed pursuant to removal procedures must be filed, in writing, with the Clerk no later than **Friday, October 27, 2017** (five (5) calendar days prior to the scheduled hearing). (See RULE 9 of the Removal Hearing Rules and Procedures).
6. **Stipulations:** Any Stipulations as to testimony or facts shall be submitted to the Council Court at the commencement of the hearing in writing and signed by each of the parties or their counsel. Pursuant to RULE 10 of the Removal Hearing and Procedures, Counsel for the parties shall confer by **Monday, October 23, 2017** (at least ten (10) days prior to the scheduled hearing on the removal charges) to determine the extent of which uncontested facts can be stipulated by the parties in connection with the evidence to be presented to the Council Court at the hearing. (See RULE 10).
7. **Instructions:** Each party may tender proposed instructions at the close of the case in order to aid the Court and the responding party may lodge any objections thereto. The Council Court shall prepare written instructions to be tendered to the members of Council Court at the close of evidence.
8. **Compliance with Requirements:** Full and complete compliance with this order is mandatory. Failure to comply may result in exclusion of the evidence sought be

introduced at the hearing, waiver of objections, or any other remedial measures as determined by the Chair.

9. **Equipment Preparation:** If counsel intends to show the Council Court any audio, video or DVD, the Council Court will require counsel to schedule a time with the Clerk to test the media with the Council Court's equipment to ensure compatibility. Any documentary evidence that counsel intends to introduce that requires specialized equipment needs to be tested with the Council Court staff in advance of the hearing.
10. **Potential Resolution:** The Parties are strongly encouraged to explore whether this issue may be resolved by agreement of the parties. The parties, or their counsel, should conduct a telephonic settlement conference no later than **Monday, October 2, 2017** (thirty (30) days prior to the hearing) to explore whether a mediated resolution to this matter is possible. If so, the parties should immediately advise the Chair of the Council Court and the below Assistant County Attorneys in writing and the Jefferson County Attorney's Office shall thereafter arrange for a mediator for the parties. The parties should complete mediation on or before **Wednesday, October 18, 2017**, (fourteen (14) days prior to the hearing on this matter). Any mediated agreement will be subject to Council Court review.

IT SO ORDERED.



President David Yates
Chair, Metro Council Court

10/5/17

DATE

Copies to:

Chair Pro Tem, Bill Hollander

Members, Council Court

Matthew Golden, Assistant Jefferson County Attorney

Sarah Martin, Assistant Jefferson County Attorney

Jamie McKiernan, Assistant Jefferson County Attorney

Annale Renneker, Assistant Jefferson County Attorney

Deborah Kent, Counsel for Charging Committee

Thomas McAdam, Counsel for Respondent Dan Johnson