



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

PREHEARING ORDER

OAL DKT. NO.

AGENCY REF. NO.

[NAME OF PETITIONER(S)],

Petitioner,

v.

[NAME OF RESPONDENT(S)],

Respondent.

On [DATE], a prehearing conference was held in this case and the following matters were settled:

1. NATURE OF PROCEEDING AND ISSUES TO BE RESOLVED:

Nature of Proceedings

[BRIEF DESCRIPTION OF DISPUTE]

Issues to be Resolved

[BRIEF DESCRIPTION OF ISSUE(S)]

2. PARTIES AND THEIR DESIGNATED ATTORNEYS OR REPRESENTATIVES:

For Petitioner(s):

[Petitioner(s) or Counsel contact
information]

For Respondent(s):

[Respondent(s) or Counsel contact
information]

3. SPECIAL LEGAL REQUIREMENTS AS TO NOTICE OF HEARING:

[LIST ANY HERE OR 'NONE']

4. SCHEDULE OF HEARING DATES, TIME AND PLACE:

The hearing is scheduled for:

Date: _____ at _____ a.m./p.m.

The location of the hearing shall be: [INSERT LOCATION OF HEARING OR 'ZOOM']

No adjournments will be granted except in strict accordance with the requirements of 34 C.F.R. §300.515(c) and upon a showing of good cause. Adjournments must be in compliance with the settlement in *C.P., et al. v. New Jersey Department of Education, et al.*, U.S.D.C. D.N.J. Civil No. 1:19-cv-12807 ("C.P. Class Action") and use the approved adjournment form (included with the transmittal letter).

5. STIPULATIONS:

The parties are encouraged to stipulate to as many facts and documents as possible before the hearing and present those facts and documents to this tribunal no less than five (5) business days before the first day of hearing as a joint stipulation of facts and documents with all documents clearly marked for identification.

6. SETTLEMENT:

The parties shall continue to explore all settlement possibilities.

7. AMENDMENTS TO PLEADINGS:

[LIST ANY HERE OR 'NONE'].

8. DOCUMENT EXCHANGE:

The parties are to exchange documents as soon as practicable and provide such documents to the other side no less than five (5) business days before the start of the hearing.

9. ORDER OF PROOFS:

The school district bears the initial burden of proof and production.

10. EXHIBITS MARKED FOR IDENTIFICATION:

The parties shall confer in advance of the hearing and designate one copy of all exhibits to serve as the exhibits of record.

A document may be marked as a joint exhibit (see paragraph 5 above) or as an exhibit on behalf of either party only.

11. EXHIBITS ENTERED INTO EVIDENCE BY CONSENT:

Documents marked as joint exhibits may be admitted into evidence upon submission to the tribunal. Documents marked as an exhibit of a single party must be offered into evidence, but if relevant will be entered into evidence. *Delguidice v. New Jersey Racing Commission*, 100 N.J. 79, 494 A.2d 1007 (1985) ("In an administrative hearing, all relevant evidence is admissible.")

12. ESTIMATED NUMBER OF FACT AND EXPERT WITNESSES:

Petitioner estimates that he/she will call ____ fact witness(es) and ____ expert witness(es).

Respondent estimates that it will call ____ fact witness(es) and ____ expert witness(es).

13. MOTIONS:

Motions contemplated: [LIST HERE MOTIONS TO BE FILED OR 'NONE']

Motions pending: [LIST HERE MOTIONS PENDING OR 'NONE']

Motions decided: [LIST HERE MOTIONS DECIDED OR 'NONE']

14. OTHER SPECIAL MATTERS:

Any evaluation report, re-evaluation report, independent report, or other report, which is offered as an exhibit, shall speak for itself and shall serve as direct testimony of its author as to the substantive contents of the report. Direct examination of the author may be permitted on matters that are important to establishing its evidentiary weight or relevance or to fostering a better understanding of the report. The author shall not repeat the substantive contents of his or her report. Upon admission of the report and direct examination of the author, the opposing party may cross-examine the author. Re-direct examination will be permitted.

The parties shall have sixty minutes for the direct examination of each witness and sixty minutes for the cross-examination of each witness. The sixty-minute time periods include the re-direct examination and re-cross examination of each witness. Any sixty-minute time period may be enlarged or extended for good cause shown or at the discretion of this tribunal.

Because of these time limitations, the scope of cross-examination may be broader than the scope of direct examination.

DATE: _____

/s/ _____
[NAME], ALJ