

**PRE-HEARING ORDER 2/10/11**

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IN THE MATTER OF THE APPEAL OF:

**MARCUS RICHARDSON**, Appellant,

vs.

**DENVER AUDITOR'S OFFICE**,

and the City and County of Denver, a municipal corporation, Agency.

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**INTRODUCTION**

A pre-hearing conference was held on February 19, 2011 to resolve several pending motions, and to discuss hearing efficiencies. Counsel for the Appellant, Anne T. Sulton, Esq., appeared via telephone. Robert A. Wolf, Assistant City Attorney, was present in the hearing room. The orders numbered below resolve the following pending filings. (1) Appellant's Motion for Subpoenas; (2) Agency's Objection to Issuance of Appellant's Subpoenas; (3) Appellant's Response to Agency's Objection to Appellant Subpoena Requests; (4) Appellant's Motion to Strike Agency Witnesses. In addition, the following matters were discussed and decided by order, below: Agency's pending, but unfiled motion to dismiss; stipulations to exhibit, and supplementing the current exhibits; and possible fact stipulations. Based upon discussions of these matters at the pre-hearing conference, the following orders enter.

**ORDERS**

1. Regarding: Appellant's motion for Subpoenas; Agency's Objection to Issuance of Appellant's Subpoenas; Response to Agency's Objections to Appellant Subpoena Requests.

Subpoenas for the following witnesses requested by the Appellant are **GRANTED:**

Robbin Pepper;  
Dawn Hume;  
Sonia Montano;

Stephen Coury;  
Nancy Howe;  
Wayne Sanford;  
Rebecca Corral.

Subpoenas for the following witnesses requested by the Appellant are  
**DENIED:**

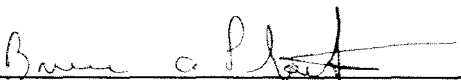
Michelle Colin;  
Eric Johnson;  
Beth McCann.

Appellant withdrew her request for subpoenas for the following witnesses:

Anita Thompson;  
John Finamore.

2. Regarding Appellant's Motion to Strike Agency's Witnesses: Appellant's Motion is **DENIED** in its entirety.
3. If the Agency wishes to challenge the jurisdiction of Appellant's appeal of the denial of her grievance, the Agency should file its motion to dismiss Appellant's claim by February 10, 2011. Appellant shall file his response, if any, by February 14, 2011.
4. Before the first day of hearing, counsel for the parties shall discuss possible stipulations of exhibits and shall prepare to state the basis of their objections to any non-stipulated exhibits.
5. The Agency shall provide two copies of its complete version of Exhibit #14 to the Hearings Office, plus one copy to Appellant's counsel, on or before the first day of hearing.
6. The Agency's motion to supplement its Exhibit #2 with Appellant's 6<sup>th</sup> Performance Improvement Plan is **GRANTED** without objection.
7. Before the first day of hearing, the parties shall discuss possible fact stipulations which may eliminate the need for witness testimony.

DONE February 10, 2011.

  
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Bruce A. Plotkin  
Career Service Hearing Office