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OFFICE OF THE PUBLIC AUDITOR

Fax

To: Thomas J. Fisher – Attorney for Appellant **From:** OPA Procurement Appeals
David J. Highsmith – Attorney for Appellee

Agency: Shimizu Canto & Fisher **Pages** 8 (Including cover)
Office of the Attorney General - Guam

CC: Andrea Leitheiser, PhD – Acting Director Dept. of Mental Health and Substance Abuse **Date:** Tuesday – 12/09/08

Fax: 472-2886 / 472-2493 / 649-6948 **Phone:** 472-1131 / 475-3324 / 647-5330

Re: (1) Decision and Order re Appellant's Motion to Strike Reply (2) Scheduling Order re Formal Hearing and (3) Order Limiting Public Disclosure of Portions of Record: OPA-PA-08-008

Urgent For Review Please Comment Please Reply Please Recycle

● **Comments:**

See Orders attached and please acknowledge receipt by re-sending this cover page along with the firm or agency stamp, date, and initials of receiver. Thank you.

Fheresa Gumataotao – 475-0390 x 207 fgumataotao@guamopa.org

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OFFICE OF THE PUBLIC AUDITOR

PROCUREMENT APPEALS

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6 IN THE APPEAL OF,
7 LATTE TREATMENT CENTER, INC,
8 Appellant

APPEAL NO: OPA-PA-08-008

SCHEDULING ORDER RE FORMAL
HEARING

9
10 To: **Attorney for Appellant: Latte Treatment Center, Inc.**
11 Thomas J. Fisher, Esq.
12 Shimizu Canto & Fisher
13 De La Corte Building, Suite 101
14 167 East Marine Corps Drive
15 Hagatna, Guam, 96910

VIA FACSIMILE: (671) 472-2886

16 **Attorney for Appellee: Department of Mental Health and Substance Abuse**
17 David J. Highsmith, Esq.
18 Assistant Attorney General, Civil Division
19 Office of the Attorney General
20 287 West O'Brien Drive
21 Hagatna, Guam, 96910

VIA FACSIMILE: (671) 472-2493

22
23 **THIS MATTER** came before the Office of the Public Auditor on December 5, 2008, for
24 a Pre-Hearing Conference. The Appellant was represented by its Counsel of Record, Thomas J.
25 Fisher, Esq. and a representative for the appellant was present. No representatives from the
26 purchasing agency, the Department of Mental Health and Substance Abuse (Hereafter referred to
27 as "DMHSA") were present; however, DMHSA was represented by its Counsel of Record
28 Assistant Attorney General David J. Highsmith.

1 The following schedule is hereby ordered for the Hearing on Appellant's appeal, but
2 remains subject to change at the discretion of the Hearing Officer:

3
4 **Filing Deadline For
Hearing Materials:**

January 14, 2008 at 5:00 P.M.

5 Parties shall file and serve on the other parties, no later than this
6 date and time, copies of their respective Witness Lists, Exhibit
7 Lists, Exhibits, Admissions of Fact, and List of Issues which
8 require evidence or arguments to be presented at the Hearing. The
9 Parties may file stipulated joint witness, exhibits, issues lists, and
admissions of fact in lieu of filing such documents separately. Four
copies of all lists and exhibits must be submitted to OPA.

10 **Filing Deadline for
Hearing Briefs:**

January 16, 2008 at 5:00 P.M.

11 The parties shall file and serve on the other parties, their Hearing
12 Briefs summarizing their arguments concerning contested issues
no later than this date and time.

13
14 **Hearing Date:**

January 23, 2008 at 9:00 A.M.


15 (Notice to issue no later than ten days prior – January 13, 2008)
16 The Hearing will proceed in the following order: (1) Opening
17 Statements of the Parties; (2) Appellant's Case in Chief; (3) The
Purchasing Agency's Case in Chief; (4) Closing Statements of the
Parties.

18 **Filing Deadline for
Brief Re Remedies:**

January 28, 2008 at 5:00 P.M.

19 The Parties may, but are not required to, file and serve on the other
20 parties, additional briefs on the issue of Remedies no later than this
21 date and time.

22 **SO ORDERED** this 5th day of December, 2008 by:

23
24 
25 _____
26 ANTHONY R. CAMACHO, ESQ.
27 Hearing Officer
28