

MARICOPA COUNTY
EMPLOYEE MERIT SYSTEM COMMISSION

04 JUL 26 PM 12:20
HUMAN RESOURCES
RECRUITING

SCOTT McNAIR,
Complainant,)
vs.)
MARICOPA COUNTY, et. al.,)
Respondents.)
_____)
Docket No. MC-WB 2004-1
PROCEDURAL ORDER AND
BRIEFING SCHEDULE

The Complaint in this case was filed on our about June 14, 2004. In a follow-up letter dated June 28, 2004, relating to the pending action, Complainant "[demanded] a change of venue."

Then, in a letter dated June 29, 2004, Complainant stated that Deputy County Attorneys Daniel Brenden and Mary Cronin are "expected to be called as witnesses [and] they are precluded by law from representing anyone other than themselves in this matter."

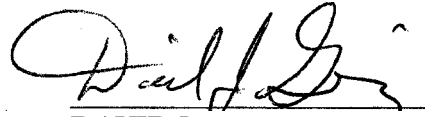
Although neither is in technically correct form, the foregoing will be considered as a Motion for Change of Venue, and Motion for Disqualification of Counsel, respectively. Since these motions relate to the preliminary issues of venue and representation, they must both be resolved prior to hearing the case on the merits.

IT IS THEREFORE ORDERED AS FOLLOWS:

1. Complainant will supplement his motions with all facts and law that he wishes to be considered by the Hearing Officer. In particular, regarding the Motion for Disqualification of Counsel, Complainant must set forth in detail all matters as to which Mr. Brenden and Ms. Cronin are expected to testify. These supplements to the motions must be filed on or before 5:00 P.M. on Friday, August 6, 2004, with a copy to Dan Brenden at the Maricopa County Attorney's Office.
2. Respondents will file a Response to the motions, with a copy to Complainant, on or before 5:00 P.M. on Friday, August 20, 2004.
3. No replies or further pleadings on these issues will be filed. The foregoing briefing schedule will be strictly adhered to, absent a motion based on good cause filed prior to the expiration of time.

4. The prehearing conference currently scheduled for July 28, 2004 is hereby vacated.
5. The Merit Systems Administrator is directed to serve copies of this order on all of the parties.

DATED this 26th day of July, 2004.



DAVID J
Hearing Officer
State Bar #012721