

BEFORE THE WASHINGTON STATE OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE OFFICE OF THE SECRETARY OF STATE

In Re:

ROBERT EDELMAN

APPELLANT

Docket No. 2008-SOS-0001

PREHEARING ORDER

Summary of Deadlines And Dates	
July 31, 2008	The Appellant will telefax and mail to the Agency and mail to OAH any additional exhibits
August 8 , 2008	The Agency will telefax and mail its exhibits and statement of its position to the Appellant, and mail the exhibits and statement of position to OAH
August 14, 2008	The Appellant will telefax and mail his reply and any rebuttal exhibits to the Agency and OAH
August 15, 2008, at 9:00 a.m.	Brief Adjudicative Proceeding by telephone conference call

1 PREHEARING CONFERENCE

- 1.1 **Date:** July 31, 2008
- 1.2 **Administrative Law Judge:** Rebekah R. Ross
- 1.3 **Agency:** Office of the Secretary of State
- 1.4 **Also present:** Shane Hamlin, Assistant Director Elections; Paul Miller, Technical Services Manager; David Mott, Voter Services Manager
- 1.5 **Agency Representative:** Spencer Daniels, Assistant Attorney General
- 1.6 **Appellant:** Robert Edelman, through counsel
- 1.7 **Appellant Representative:** Jonathan Bechtle

2 NATURE OF PROCEEDING

- 2.1 This is an adjudicative proceeding instituted pursuant to WAC 434-263 based on

the Help America Vote Act. The Appellant's allegations are set forth in the Complaint, dated June 6, 2008. The Complaint was filed with the Secretary of State on June 13, 2008.

- 2.2 Pursuant to WAC 434-263-030, the hearing will be a brief adjudicative proceeding.

3 AGREEMENTS

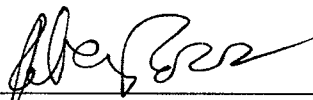
- 3.1 **Brief Adjudicative Proceeding:** The brief adjudicative proceeding will take place on August 15, 2008, at 9:00 a.m., by telephone conference call.
- 3.2 **Deadlines for Exhibits and briefs:** The Appellant has already served Exhibits 1-6 on the Agency. Exhibit 1 is a lengthy Excel database, which was supplied on a CD and which the Agency has already printed out. OAH has received all the exhibits, except Exhibit 1. The Appellant may have a couple additional exhibits. On or before July 31, 2008, the Appellant will mail Exhibit 1, with premarked page numbers, as well as the Appellant's additional exhibits, to OAH. On July 31, 2008, the Appellant will also telefax and mail to the Agency the Appellant's additional exhibits. On or before August 8, 2008, the Agency will telefax and mail its exhibits and statement of its position to the Appellant, and mail the exhibits and statement of position to OAH. On or before August 14, 2008, the Appellant will telefax and mail his reply and any rebuttal exhibits to the Agency and OAH. The administrative law judge may reject documents that have not been properly filed by the deadlines. The representatives may send their documents to each other by e-mail attachments instead of by telefax.
- 3.3 **Pre-marking Exhibits:** The Appellant's exhibits shall be premarked starting with number "1", with exhibit and page numbers on the bottom right corner of each page (for example, "Exhibit 1, page 1 of 2"; "Exhibit 1, page 2 of 2"). The Agency's exhibits shall be premarked starting with the letter "A"¹, with exhibit and page numbers on the bottom right corner of each page (for example, "Exhibit A, page 1 of 2"; "Exhibit A, page 2 of 2").

4 ORDER

- 4.1 IT IS HEREBY ORDERED, That the above recital of agreements control the proceeding unless modified by the assigned administrative law judge on her own motion or on the motion of a party.

¹This was not discussed at the prehearing conference, but is included in this prehearing order for the purpose of creating an orderly hearing record.

SERVED on the date of mailing.

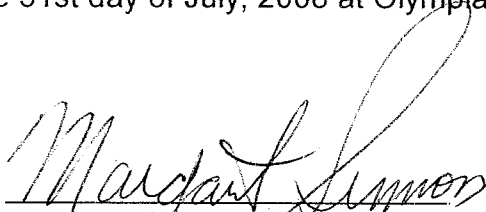


Rebekah R. Ross
Administrative Law Judge
Office of Administrative Hearings

Pursuant to RCW 34.05.431 and WAC 10-08-130, a party has ten days to file an objection to this order. In the absence of a timely objection, this order shall control the proceedings unless modified for good cause by subsequent order.

Certificate of Service

I assert that true and exact copies of the Prehearing Order were mailed to the following parties on the 31st day of July, 2008 at Olympia, Washington.



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Legal Secretary

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c/o Jonathan Bechtle, J.D.
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