| 1 | BEFORE HEARING OFFICER FOR THE ASSEMBLY OF THE | |
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| 2 | CITY AND BOROU | GH OF JUNEAU |
| 3 | KARLA HART, | |
| 4 | Appellant, | |
| 5 | VS. | |
| 6 | | |
| 7 | CITY AND BOROUGH OF JUNEAU PLANNING COMMISSION | |
| 8 9 | Appellee. | Notice of Decision: July 20, 2023 Appeal Case No. APL 2023-AA01 |
| 10 | PREHEARIN | G ORDER |
| | The parties having met for a prehearing confe | rence on September 22, 2023 and discussed the |
| 11 | hearing and scheduling issues. Dates were set and | d parameters for filings and procedural matters |
| 12 13 | were discussed and are determined as follows: | |
| 13 | 1. Parties. The Appellant is | Karla Hart who is self represented. The |
| 15 | Appellee is City and Borough of Juneau (CBJ) | Planning Commission (PC), represented by |
| 16 | municipal attorney, Sherri Layne and Huna To | tem Corporation (Huna Totem), intervenor, |
| 17 | represented by 2 firms, attorneys Garth Schlemle | in and Even J. Garcia of Schlemlein, Fick & |
| 18 | Franklin, and attorney Dan Bruce of Baxter Bruc | e & Sullivan. A Notice of Appeal has been |
| 19 | submitted by Karla Hart. | |
| 20 | 2. Representatives. Appellant is c | urrently unrepresented. Appellee is currently |
| 21 | represented by municipal attorney, Sherri Layne a | nd Huna Totem, intervenor, by attorneys Gary |
| 22 | Schlemlein, Evan J. Garcia and Dan Bruce. If M | As. Hart desires to be represented by counsel |
| 22 | they may file an entry of appearance. The dates i | n this order will not be extended due to delays |
| 23 24 | in a party obtaining counsel. | |
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3. Preliminary Motions. Any preliminary motions, such as additional intervention
 or disqualification, shall be filed by October 5, 2023, opposition by October 10, 2023 and reply by
 October 23, 2023.

4 4. The Record. Appellee shall prepare the Record and provide it to the Clerk's
5 Office by October 26, 2023. The Record shall have numbered pages and be assembled
6 consistent with CBJ Code 01.50.030(g). The Clerk shall notify parties that a digital copy of the
7 Record is available for pick up by October 30, 2023, and if practicable the Clerk may also
8 distribute a copy of the Record electronically.

9 5. **Supplementation of the Record.** Appellant may file a Motion to Supplement 10 the Record along with either the documents which Appellant desires to add to the Record or the 11 document request for the documents in the possession of Appellee which Appellant desires to 12 add to the record. Appellant's Motion to Supplement the Record shall be filed by November 9, 13 2023. If there is no objection the Appellee shall include those documents as a supplement to 14 the Record. If there is an objection the Appellee shall file any Opposition by November 16, 15 2023, and Appellant may file any Reply by November 22, 2023.

6. Simplification or Settlement of the Issues. The issues are identified in the
appeal. The parties may file a Joint Statement of Issues on Appeal clarifying the issues listed
in the Notice of Appeal. The Joint Stipulation, if any, shall be filed by November 16, 2023.

Form of Motions. Any motion or filing shall be submitted as a separate
 document, typed, double spaced, and signed by the party submitting. Inquiries, comments, and
 informal motions may be disregarded. Preparation and submission of stipulations, admissions,
 depositions, subpoenas, affidavits, exhibits and other forms of pre-filed evidence is allowed to
 the extent permitted by subsection CBJ 01.50.110(e).

8. Filing. All Motions or Briefs shall be filed electronically by e-mailing to the
 Clerk, at <u>City.Clerk@juneau.org</u>, a PDF document of the filing, unless a different format is
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| 1 | specified by the Clerk. A party filing a document by electronic mail shall retain the original |
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| 2 | and produce it for inspection upon request of another party or as ordered by the hearing officer. |
| 3 | Documents filed by electronic mail shall be due by noon on the date the filing is due. If received |
| 4 | by the Clerk after noon will be deemed to have been filed the next day that is not a Saturday, |
| 5 | Sunday or holiday. If the document is too large to be electronically mailed to the Clerk, the |
| 6 | filing may be made by delivering an original and 2 copies to the office of the Clerk by noon on |
| 7 | the due date. The Clerk may distribute documents as a courtesy, but is not obligated to do so. It |
| 8 | is the responsibility of the parties to check with the Clerk and pick up briefs and other materials |
| 9 | from the Clerk. |
| 10 | 9. Service. All documents filed electronically shall also be served by |
| 11 | electronic mail on the following: |
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| 13 | Appellant: Karla Hart, self represented, <u>karlajhart@gmail.com</u> |
| 14 | Appellee: CBJ PC, Attn. Sherry Layne, Assistant Municipal Attorney, |
| 15 | sherri.layne@juneau.gov, |
| 16 | |
| 17 | Attorney Advisors for the Assembly: Emily Wright, emily.wright@juneau.gov and |
| 18 | Robert Palmer, <u>robert.palmer@juneau.org</u> . |
| 19 | Intervenor, Huna Totem, Garth Schlemlein, gas@soslaw.com, Even J. Garcia, |
| 20 | ejg@soslaw.com, and Dan Bruce, dbruce@bbslawyer.com. |
| 21 | cjglasosiaw.com, and Dan Druce, <u>doruce(asosiawyer.com</u> . |
| 22 | For any document submitted other than by electronic mail, the party must submit with |
| 23 | the filing an affidavit stating that all other parties and the Attorney Advisors have been |
| 24 | notified by electronic mail of the filing. |
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| 1 | The Clerk may also provide courtesy notice to the PC Chair, Michael Levine. |
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| 3 | 10. Briefing Schedule. Appellant's Brief shall be due by November 30, 2023 |
| 4 | Appellee's Brief and any intervenor brief shall be due by January 2, 2024. Appellant's Reply |
| 5 | Brief, if any, shall be due by January 16, 2024. |
| 6 | 11. Hearing. The hearing on the appeal shall be at 2 p.m. January 24, 2024 via |
| 7 | Zoom. Each side shall have 30 minutes, which Appellant may divide between opening and |
| 8 | rebuttal time. The time allotted will include time for questions. |
| 9 | 12. Assembly Contact. No party shall discuss the merits of this appeal with any |
| | member of the Assembly. |
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| 12 | DATED this 25th day of September, 2023. |
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| 14 | HEARING OFFICER |
| 15 16 | HARING OTTICER |
| 17 | By: Scott A. Brandt-Erichsen |
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