

RULE 22 Pretrial Conferences

- A. A pretrial conference may be scheduled upon the ~~application request~~ of any party or upon the Commission's own motion.
- B. At least ten (10) calendar days before the pretrial conference, notice of the pretrial conference shall be given to all parties unless otherwise agreed by the parties.
- C. ~~The parties shall be represented by their respective attorneys who are to conduct the trial, or by co-counsel with full knowledge of the case. Counsel shall consult with their clients in advance as to the authority for settlement and authority to bind their clients by stipulations at the pretrial conference.~~ Counsel who are to appear at trial or trial counsel's co-counsel having full knowledge of the case and possessing authority to bind the party by stipulation shall appear at the pretrial conference.
- D. ~~Willful~~ ~~Failure of Petitioner's counsel to appear at the pretrial conference~~ without good cause shall may be cause for the action to be dismissed. ~~Willful~~ ~~Failure of Respondent's counsel to appear~~ without good cause shall may be cause for default to be entered against ~~the~~ Respondent.
- E. Parties represented by counsel ~~will~~ need not attend the pretrial conference ~~unless directed to do so by the Commission.~~
- F. Five (5) business days prior to the pretrial conference, exhibits shall be exchanged and ~~discrepancies in the data~~ a joint stipulation of common survey points ~~shall~~ should be ~~resolved~~ submitted by the parties. At such time, the parties ~~are~~ shall also ~~required to~~ provide each other with the underlying survey data to assist in determining whether ~~or not to waive~~ foundational objections will be waived.
- G. The exchange of trial exhibits shall constitute a request for the opposing party to admit the authenticity and identification of each exhibit. Unless objection is made prior to or during the pretrial conference, objections to the admissibility of each exhibit on the basis of foundation will be deemed waived.
- H. At the pretrial conference, counsel shall be prepared to make reasonable disclosures of facts, to admit and to agree upon undisputed facts, and to waive requirements of formal proof of undisputed documents. Counsel shall also be prepared to discuss points of law and are requested to submit memoranda of authorities with references thereto, especially when special or unusual issues are involved. Counsel shall submit and identify all trial exhibits. Only exhibits presented and marked at the pretrial conference may be offered into evidence at trial, except for rebuttal exhibits or upon the showing of good cause.
- I. Exhibits presented at the pretrial conference shall be placed within a three-ring binder ~~or a spiral notebook~~, separated by tabs. Exhibits shall be organized in numerical order. The sequential numbering of exhibits shall begin with Petitioner utilizing Exhibit Nos. 1-499 and

Respondent utilizing Exhibit Nos. 500-999. The parties shall contact the Commission for additional numerical designations if needed. Intervenors or other parties to the proceeding shall request from the Commission a designated series of numbers for their exhibits. Original exhibits shall be retained by counsel until trial. In cases that include an issue to be decided under Neb. Rev. Stat. §48-818, four (4) copies of exhibits shall be given to the Commission prior to the pretrial conference. In all other cases before the commission, and two (2) copies of those exhibits shall be given to the Commission prior to the pretrial conference.

- J. Five (5) business days prior to the pretrial conference~~At the time of the pretrial conference,~~ each party shall present a list containing the names and addresses of all witnesses expected to be called in the presentation of the party's case in chief, including identification of all expert witnesses and the subject matters about which each witness is expected to testify to the Commission. Unless objection is made prior to or during the pretrial conference, objections to the qualification of each identified expert witness will be deemed waived. Except for rebuttal witnesses, any witness not listed as such at the pretrial conference will not be allowed to testify at trial. Each party shall also present a written statement of the issues to be presented at trial.
- K. All discovery must be completed before the date of the pretrial conference, unless ~~permission~~ leave is given by the Commission-~~Commissioner~~ for later discovery.
- L. The case will be tried upon the pleadings as ~~formalized~~ finalized at the time of the pretrial conference, and no further amendments will be allowed except in cases of undue hardship, or in the furtherance of justice.
- M. A report of the pretrial conference shall be made in such manner as the Hearing Commissioner(s) may direct.
- N. In order to prevent undue hardship, the Commission ~~Commissioner/s~~ may waive any of the above requirements for good cause.