

STATE OF VERMONT
PROFESSIONAL RESPONSIBILITY BOARD

In re: Theodore Kennedy, Esq.
PRB File Nos. 021-2022

SCHEDULING ORDER

1. The parties shall have exchanged the names and contact information of all persons having knowledge of relevant facts and/or witnesses by **August 9, 2022**.
2. Depositions, if any, shall be completed by **September 18, 2022**.
3. All discovery, including all discovery relating to the issue of sanctions, shall be completed by **October 18, 2022**.
4. The Panel hereby notifies the parties that it presently intends to conduct the merits hearing in this matter remotely using video conferencing. Any objection to conducting the trial in this matter by video conferencing shall be filed by **November 1, 2022**.
5. Any Amended Petition of Misconduct shall be filed by **November 1, 2022**.
6. On or before **December 1, 2022**, each party shall file a witness list identifying each witness the party anticipates calling to testify during the merits hearing, along with an estimate of the amount of time that will be needed for direct and cross-examination. The panel recognizes that the times provided will be estimates only, for the purpose of assisting the parties and the panel in scheduling a sufficient amount of time for the hearing.
7. On or before **December 1, 2022**, the parties shall jointly file a consolidated list

of all exhibits the parties anticipate offering into evidence at the merits hearing, together with a representation as to whether or not the opposing party stipulates to either authenticity or admissibility of the exhibit or both. At the merits hearing, the parties shall provide the panel with four copies of each exhibit that is admitted into evidence, in addition to the original admitted exhibit. The parties shall, in advance of the hearing, mark all exhibits they intend to offer into evidence.

8. On or before **December 1, 2022**, the parties shall each file a list of dates between **February 1, 2023 and March 15, 2023** on which the parties and the parties' respective witnesses and counsel are available to attend the merits hearing in this matter.

9. All pre-hearing motions, including any motions in limine, shall be filed no later than **January 15, 2023**.

10. No later than **10 business days before the scheduled date of the merits hearing**, the parties shall submit a Memorandum of Law addressing the legal issues, including but not limited to any and all pertinent case law and statutes and Medicaid laws and regulations relevant to Respondent's assertion of oral trust as a defense.

11. The Panel shall schedule a final pre-hearing conference to be held one to two weeks before the scheduled date of the merits hearing. During the final pre-hearing conference Disciplinary Counsel and Respondent's counsel shall participate in a practice test of the Panel's videoconferencing software, assuming a remote hearing is scheduled to take place, to ensure that all parties and the panel members are able to access the software and that the software is functioning properly.

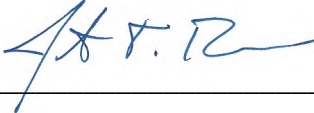
12. Anticipated length of the merits hearing: Six hours.

Dated: August 17, 2022.

Hearing Panel No. 8



Jennifer E. McDonald, Esq., Chair



Jonathan T. Rose, Esq., Member

Patrick Burke, Public Member

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