

**ORDER ON APPELLANT'S OUTSTANDING MOTIONS**

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IN THE MATTER OF THE APPEAL OF:

**JUAN NORTHCROSS**, Appellant,

vs.

**CLERK AND RECORDER'S OFFICE**

and the City and County of Denver, a municipal corporation, Agency.

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Appellant has moved for reconsideration of the order on subpoenas, and has also requested a continuance of the hearing date, now set for March 16, 2012.

On March 5, 2012, Appellant moved for six subpoenas. The Agency objected to five of the requests. The objection was filed one day late, and was not served to Appellant at his new email address. On March 12, subpoenas issued for all but two of Appellant's proposed witnesses. Later that day, Appellant filed a motion requesting reconsideration of the denied subpoena requests. The Agency has no objection to the continuance.

Reconsideration of Subpoena Requests:

Appellant's initial request for subpoenas indicated that the proposed testimony of David Johnson and Vic Vigil was duplicative of the testimony to be presented by other approved witnesses, and therefore the subpoenas were denied. The request for reconsideration asserts that Johnson and Vigil can provide other relevant testimony necessary to this appeal.

Request for Continuance:

Appellant requested a continuance of the hearing date on the following grounds: (1) the Agency did not timely object to his subpoena requests, and did not email its objection to the correct email address, of which it had proper notice; and (2) the subpoenas issued must be served at least five days prior to hearing under CSR § 19-45 C., and therefore any subpoenas now issued cannot be served in a timely manner, depriving Appellant of testimony necessary to his appeal. Accordingly, Appellant has established good cause for a continuance.

ORDER

Based on the foregoing, the following orders issue:

1. The request for reconsideration is GRANTED. Subpoenas for David Johnson and Vic Vigil will be issued for the new hearing date, along with the other four subpoenas.

2. The motion for continuance is GRANTED. The hearing scheduled for March 16, 2012 is vacated to allow for timely service of subpoenas. The Hearing Office will contact the parties on Thursday, March 15, 2012 to re-set the hearing date.

DONE March 13, 2012.

  
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Valerie McNaughton  
Career Service Hearing Officer

I certify that on March 13, 2012, I delivered a correct copy of this Order to the following:

Juan Northcross, [hearing@northcross.US](mailto:hearing@northcross.US) (via email)  
City Attorney's Office at [Dlefiling.litigation@denvergov.org](mailto:Dlefiling.litigation@denvergov.org) (via email)  
HR Services, [HRServices@denvergov.org](mailto:HRServices@denvergov.org) (via email)

  
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