

IOWA PROPERTY ASSESSMENT APPEAL BOARD

HEARING SCHEDULING AND DISCOVERY PLAN

For all PAAB appeals that involve commercial, industrial, or multiresidential properties assessed at \$2 million or more, the parties are required to complete this form setting a hearing date and entering a discovery plan (if any). The dates established in this plan supersede any dates set forth in other PAAB rules. A party that fails to comply with the plan shall be required to show good cause for the failure to comply and may be subject to sanctions including, but not limited to, the exclusion of evidence or dismissal of the appeal.

PAAB Docket No. _____

Parcel No. _____

Appellant,

vs.

Appellee.

The parties of the above-captioned matter agree to the following deadlines:

1. HEARING DATE – *Note to parties: Please confer with PAAB to verify availability of hearing date(s).*

The hearing shall be held on _____ at _____ at the office of the Property Assessment Appeal Board. The parties may participate in the hearing by telephone upon filing a motion with PAAB.

2. DISCOVERY: All discovery shall be completed by _____. All requests for written discovery shall be served at least ____ days prior to the discovery deadline or by _____ (date).

3. EXPERT WITNESSES

a. A party who intends to call an expert witness, including rebuttal expert witness, shall certify to all other parties the expert's name, subject matter of expertise, and qualifications within the following time period:

- i. Appellant: _____ days before hearing OR _____ (date).
- ii. Appellee: _____ days before hearing OR _____ (date).
- iii. Rebuttal: _____ days before hearing OR _____ (date).

b. Each party shall serve on the other summary reports of all experts' complete appraisals, opinions, and the facts used therein within the following time period:

- i. Appellant: _____ days of the date in (a)(i) OR _____ (date)
- ii. Appellee: _____ days of the date in (a)(ii) OR _____ (date)
- iii. Rebuttal: _____ days of the date in (a)(iii) OR _____ (date)

4. PRE-HEARING SUBMISSIONS: The parties shall serve a witness and exhibit list to opposing parties and exchange exhibits no later than _____ or _____ days prior to the hearing. The same shall be filed with the Appeal Board on the agreed upon date. To designate exhibits, the Appellant shall use numbers and Appellee shall use letters.

5. MOTIONS: Any motions shall be filed by _____ or no later than _____ days prior to the hearing.

6. AMENDMENT: The deadlines established in paragraphs 2, 3, 4, and 5 may be amended by agreement of the parties, by filing a Stipulated Amendment to this Plan with the PAAB listing the dates agreed upon and signed by all counsel and self-

represented appellants. Such an Amendment will not serve as a basis for a continuance of the hearing date or affect the date for pre-hearing submissions.

- 7. PRE-HEARING CONFERENCE: A party may request a pre-hearing conference to resolve any discovery dispute. IOWA ADMIN. CODE R. 701-126.6(2).
- 8. SETTLEMENT: The parties shall immediately notify PAAB of a settlement agreement.
- 9. CONTINUANCES: Continuances are discouraged and will only be granted for good cause. IOWA ADMIN. CODE R. 701-126.8(3). In the event the hearing date is continued, all time deadlines in this Plan and stipulated amendments shall remain in effect relative to the new hearing date, unless PAAB approves new deadlines.
- 10. NOTICE: Failure to comply with any provision of this Plan or an amendment to this Plan may result in sanctions being imposed by the Board pursuant to Iowa Rule of Civil Procedure 1.517(2) and 1.602(5), including limiting and/or excluding evidence and witnesses. PAAB will resolve disputes regarding oral agreements related to discovery or scheduling by reference to this Plan or any Stipulated Amendments to this Plan.

Having agreed to the above-stated deadlines, the parties request PAAB enter this Plan in the record and set the hearing date as stated in paragraph 1.

Dated this _____ day of _____, 20____.

Appellant or Representative/Counsel

Appellee or Representative/Counsel

Signature: _____

Signature: _____

Date: _____

Date: _____

Phone Number: _____

Phone Number: _____

Email: _____

Email: _____