

**871—26.12(17A,96) Prehearing conference.**

**26.12(1)** Any party may request a prehearing conference. A request, or an order for a prehearing conference on the presiding officer's own motion, shall be filed not less than five days prior to the hearing. A prehearing conference shall be scheduled not less than three business days prior to the hearing date. Written notice of the prehearing shall be given by the presiding officer to all parties. For good cause, the presiding officer may permit variance from this rule.

**26.12(2)** Each party shall bring to the prehearing conference:

*a.* A final list of witnesses who the party anticipates will testify at the hearing. Witnesses not listed may be excluded from testifying unless there was good cause for the failure to include their names; and

*b.* A final list of exhibits which the party anticipates will be introduced at the hearing. Exhibits other than rebuttal exhibits that are not listed may be excluded from admission into evidence unless there was good cause for the failure to include them.

Witness or exhibit lists may be amended subsequent to the prehearing within time limits established by the presiding officer at the prehearing conference. Any such amendments must be served on all parties.

**26.12(3)** In addition to the requirements of subrule 26.12(2), the parties at a prehearing conference may: enter into stipulations of fact; enter into stipulations on the admissibility of exhibits; identify matters the parties intend to request be officially noticed; and consider any additional matters which will expedite the hearing.

**26.12(4)** Prehearing conferences shall be conducted by telephone unless otherwise ordered. Parties shall exchange and receive witness and exhibit lists in advance of a telephone prehearing conference.