§ 1112.5 Joint pleadings.

Parties with common interests are encouraged to prepare joint pleadings whenever possible.

§ 1112.6 Verified statements; contents.

A verified statement should contain all the facts upon which the witness relies, and to the extent that it contains arguments, they should be based only on those facts. Parties filing reply and rebuttal verified statements will be considered to have admitted the truth of material allegations of fact contained in their opponents’ statements unless those allegations are specifically challenged. Rebuttal statements shall be confined to issues raised in the reply statements to which they are directed.

§ 1112.7 Records in other Board proceedings.

If any portion of the record before the Board in any proceeding other than the proceeding at issue is offered in evidence, a true copy should be presented for the record.


§ 1112.8 Verification.

The original of any pleading filed must show the signature, capacity, and seal, if any, of the person administering the oath, and the date thereof.

§ 1112.9 Sample verification for statement of fact under modified procedure.

State of ____________,

County of ________________.

I, ________________, being duly sworn, deposes and says that he has read the foregoing statement, knows the facts asserted there are true and that the same are true as stated.

Signed

Subscribed and sworn to before me this day of ____________,

Notary Public of ________________.

My Commission expires ____________.

§ 1112.10 Requests for oral hearings and cross examination.

(a) Requests. Requests for oral hearings in matters originally assigned for handling under modified procedure must include the reasons why the matter cannot be properly resolved under modified procedure. Requests for cross examination of witnesses must include the name of the witness and the subject matter of the desired cross examination.

(b) Disposition. Unless material facts are in dispute, oral hearings will not be held. If held, oral hearings will normally be confined to material issues upon which the parties disagree. The decision setting a matter for oral hearing will define the scope of the hearing.

[61 FR 52712, Oct. 8, 1996]

§ 1112.11 Authority of officers.

Except to the extent that they apply only to the conduct of a public hearing, the officer assigned to handle a proceeding under the modified procedure shall have the same authority as officers assigned to conduct oral hearings as described in §1113.3(a) and (b).

PART 1113—ORAL HEARING

Sec.

1113.1 Scheduling hearings; continued hearings.

1113.2 Subpoenas.

1113.3 Authority of officers.

1113.4 Prehearing conferences.

1113.5 Stipulations.

1113.6 Appearances; withdrawal or absence from hearing.

1113.7 Intervention; petitions.

1113.8 Witness examination; order of procedure.

1113.9 Prepared statements.

1113.10 Records in other Board proceedings.

1113.11 Abstracts of documents.

1113.12 Exhibits.

1113.13 Filing evidence subsequent to hearing; copies.

1113.14 Objections to rulings.

1113.15 Interlocutory appeals.

1113.16 Oral argument before the hearing officer.

1113.17 Transcript of record.

1113.18 Briefs.

1113.19 Pleadings; part of the record.

1113.20–1113.30 [Reserved]


SOURCE: 47 FR 49559, Nov. 1, 1982, unless otherwise noted.