

PROCEDURES FOR REBUTTAL AND SURREBUTTAL

Rebuttal is a procedure for the introduction of evidence by the applicant that answers evidence introduced by opposing parties. Surrebuttal is a procedure for opposing parties to answer evidence introduced in rebuttal by the applicant. Testimony or exhibits that are cumulative or attempts to introduce new evidence not intended to rebut or surrebutt prior testimony or exhibits will not be allowed. The rebuttal and surrebuttal process occurs after the applicant and all interested parties have presented their evidence and completed cross-examination.

1. Only applicant and interested parties who have previously submitted evidence shall be eligible to present evidence in rebuttal or surrebuttal. If you are represented by an attorney, your attorney will handle rebuttal or surrebuttal on your behalf.

2. Applicant shall present its evidence in rebuttal first. This evidence shall be confined to testimony and exhibits that explain, qualify, modify, discredit, refute or respond to the evidence submitted by those interested parties in opposition to the application.

3. After each witness of applicant presents evidence in rebuttal they shall be subject to cross-examination in the following order:

- A. ZBA
- B. Units of Local Government including school districts
- C. Interested parties represented by an Attorney
- D. Interested parties not represented by an Attorney
- E. ZBA again
- F. Livingston County Staff and Consultants

4. After Applicant has submitted its rebuttal evidence and interested

parties have had an opportunity to question the applicant's witnesses, those interested parties in opposition to the applicant shall present their evidence in surrebuttal. This evidence shall be limited to testimony and exhibits that explain, qualify, modify, discredit, refute or respond to the evidence submitted by the applicant in rebuttal including the rehabilitation of witnesses whose credibility has been questioned during rebuttal.

5. After each interested party presents evidence in surrebuttal they shall be subject to cross-examination in the following order:

- A. ZBA
- B. Units of Local Government including school districts
- C. Applicant by its Attorney
- D. Interested parties represented by an Attorney provided the witness is not a client of the Attorney
- E. Interested parties not represented by an Attorney
- F. ZBA again
- G. Livingston County Staff and Consultants

6. The scope, extent and admissibility of evidence in rebuttal and surrebuttal rests in the sound discretion of the ZBA.

7. If you have exhibits to produce please have fifteen (15) hard copies clearly marked so that the ZBA, staff attorney and other interested parties can have a copy.

8. Rebuttal or surrebuttal witnesses should identify which witness or witnesses and what testimony or exhibits presented by the opposing party are being rebutted or surrebutted.

9. Before each witness testifies or each interested party conducts a cross-examination, the Chairman of the ZBA shall be able to inquire as to the nature of evidence to be presented and questions to be asked in cross-examination to determine if appropriate for rebuttal or surrebuttal.

10. Parties represented by attorneys may only call those witnesses which have been disclosed by April 10, 2015, unless authorized by the ZBA for good cause shown.