



## MINNESOTA OFFICE OF ADMINISTRATIVE HEARINGS

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May 3, 2010

Mayor David Beaudet  
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Re: In the Matter of the Appeal of Public Waters Permit No. 2010-0117 Issued to MnDOT for Structural Load Testing; OAH Docket No. 11-2000-21160-2

Dear Counsel/Parties:

This letter will confirm the discussions that occurred during the prehearing conference held on April 20, 2010, and constitutes the First Prehearing Order in this contested case proceeding.

The following schedule will govern this matter:

1. The parties shall serve and file their initial statements identifying persons expected to be called as expert witnesses in this matter by **May 14, 2010**, and any supplemental expert witness disclosure by **May 21, 2010**. The statements shall describe the subject matter of the expected testimony of each expert, state the substance of facts and opinions to which the expert is expected to testify, and provide a summary of the grounds for each opinion.
2. All discovery in this matter shall be completed by **June 21, 2010**.
3. All motions relating to this matter shall be served and filed by **June 25, 2010**. Responses in opposition to any such motions shall be served and filed within **ten working days** of receipt of the motion, and reply briefs in support of motions shall be served and filed within **three working days** of receipt of the response in opposition.

Letter to D. Beaudet, P. Whiting,  
D. Iverson and J. Nguyen  
May 3, 2010  
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4. By **July 14, 2010**, the parties shall exchange and file proposed exhibit and witness lists relating to this case. The witness lists shall include a brief summary of the expected testimony of each witness. If any documents identified as exhibits have not yet been exchanged, copies shall be provided with the exhibit lists. Exhibits shall be premarked by the parties using numbers rather than letters.
5. The hearing in this matter shall be held on **August 11-13, 2010**, commencing at 9:30 a.m. each day in the courtrooms of the Office of Administrative Hearings, 600 North Robert Street, First Floor, St. Paul, Minnesota.
6. The hearing shall be digitally recorded unless the parties notify the Administrative Law Judge by **August 2, 2010**, that they will require the services of a court reporter.
7. Pursuant to Minn. R. 1400.6950, subp. 2, any party objecting to the foundation for any written exhibit must notify both the offering party and the Administrative Law Judge in writing at least two working days before the hearing or the foundation objection is waived.

Please do not hesitate to contact my office if you believe that an additional prehearing conference or telephone conference call would be helpful prior to the hearing.

Sincerely,



BARBARA L. NEILSON  
Administrative Law Judge  
Tel. No.: 651-361-7845

cc: Docket Coordinator  
Elizabeth H. Schmiesing