

**BEFORE THE ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING**

IN RE RST SAND AND GRAVEL

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**DOCKET 16-4801**

**ORDER OF SCHEDULE**

On June 2, 2016 the parties appeared for a pre-hearing scheduling conference in this matter at 1:36 p.m. via telephone conference call in the Board of Equalization Board Room in the Herschler Building, 122 West 25<sup>th</sup> St. Cheyenne, Wyoming. Vice Chairman Meghan Lally was the hearing officer. Present at the hearing was Paul D'Amours on behalf of Rafter J Ranch Subdivision, Sharon Mader on behalf of the National Park Conservation Assoc., Richard Bloom, Mike May and Cindy Stone. Andrew Kuhlmann and Elizabeth Morriseau were present on behalf of the DEQ along with Carol Bilbrough. Peter Moyer was present on behalf of the applicant RST. Council staff present was Jim Ruby and Joe Girardin. The parties waived the presence of a court reporter.



After review of the pleadings and discussion with the parties the following schedule is ordered for the above entitled matter.

1. The final hearing will be June 9, 2016 in Room 1699 of the Herschler Building, 122 West 25<sup>th</sup> St. Cheyenne WY. The deadline for requests for discovery is 5:00 p.m. June 7, 2016.
2. Due to the short timeline there will not be dispositive motions filed including, but not limited to Motion to Dismiss, Motion for Summary Judgment. Other motions such as motions challenging the party status of one of the parties in this matter may be filed as late as 9:00 a.m. June 9, 2016. The hearing on any motions will be at 9:00 a.m. June 9 2016 in Room 1699 of the Herschler Building, 122 West 25<sup>th</sup> St. Cheyenne WY.

3. A list of witnesses and the substance of their testimony to be called at the time of the final hearing will be exchanged between the parties by 12:00 noon June 7, 2016. Expert witnesses shall be identified no later than 5:00 p.m. June 6, 2016 and the parties must comply with Rule 26 of the Supreme Court Rules of Civil Procedure.
4. Exhibits shall be exchanged between the parties and filed with the Council no later than 12:00 noon June 8, 2016. The filing of the Exhibits with the Council can and should be filed using the Council docket site. If you need assistance please contact Joe Girardin at 307-777-6454.
5. The Petitioners shall number their exhibits Bloom 1,2,3,4, May 1,2,3,4, NCPA 1,2,3,4, RJ 1,2,3,4, Stone 1, 2, 3, 4; The Department shall number their exhibits DEQ 1,2,3,4 and the Applicant, RST 1,2,3,4.
6. All filings including exhibits and lists of witnesses may be filed electronically on the Council website located at <https://eqc.wyo.gov/> and one hard copy delivered to the offices of the Council at 122 West 25<sup>th</sup> St. Room 1714 Herschler Building, Cheyenne WY 82002. If you have any problems loading documents on the online docket system call Joe Girardin at 307-777-6454 for assistance. If a document cannot be uploaded than the party should file 8 copies of the document with the Council at their offices in Cheyenne.
7. Opening and closing statements shall be in this order.
  - a. Mr. D'Amours
  - b. Mr. Bloom
  - c. Mr. May
  - d. Ms. Mader

- e. Ms. Stone
  - f. Mr. Kuhlmann/Ms. Morriseau
  - g. Mr. Moyer.
8. The DEQ shall present evidence first followed by the Petitioners in the same order as they give their opening and closing statements. The Applicant shall present their evidence following the Petitioners. The DEQ with than have a second opportunity to present any evidence they believe is necessary for the full record of this matter.
9. The hearing is scheduled for one day.
10. Any of the parties that wish to participate via telephone or web based video should contact Joe Girardin no later than 3:00 p.m. June 6, 2016. His contact information is 307-777-6454 and [joe.girardin@wyo.gov](mailto:joe.girardin@wyo.gov). If you do not appear via telephone or video than you should appear in person at the hearing in Cheyenne. If you do not appear in either manner than you will be dismissed from the case.

So Ordered this 2nd day of June, 2016.

  
Meghan Lally, Hearing Examiner  
Environmental Quality Council 

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this \_\_\_\_ day of June, 2016 the foregoing Order of Schedule was served on the following parties via electronic mail and/or regular U.S. Mail postage prepaid.

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