

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

IN RE OBJECTION TO BURNETT PIT)
APPLICATION TFN 62/292) **DOCKET 18-4802**

ORDER OF SCHEDULE

The Parties appeared for a pre-hearing conference in this matter on Monday, November 19, 2018 at 2:00 p.m. The petitioner Vicky M. Guilmot-Koch and James Koch appeared through their attorney Boyd Wiggam. James Kaste represented the DEQ from the Attorney General's office and legal counsel Paul Kapp represented Knife River Corporation.

This scheduling conference was conducted by teleconference and a court reporter was present. Also present were Council staff, Jim Ruby and Joe Girardin.

This case is required, by statute, to go to final hearing no later than November 29, 2018 unless the parties are willing to stipulate to a later hearing date. The parties stipulated to a later hearing date.

Based upon the parties estimated time to present their case in chief the final hearing is set for two days on December 17 and 18th. The final hearing will be held in the Board of Equalization Hearing Room, 1st floor of the Hathaway Building, 2300 Capitol Ave. Cheyenne, Wyoming. In the event a change of location must occur, the parties will be notified as soon as possible. The date, time and location of the final hearing must be published for two consecutive weeks prior to the hearing. If the location is changed, a notice will be placed on the Hearing Room identifying the change in location.

The Petitioners have the burden to prove that the DEQ's decision of completeness is either arbitrary and capricious or in violation of state or federal law, rules or regulations. First in order of presentation of evidence will be the DEQ. Second will be the Petitioner and third will be

Knife River. The DEQ will have an opportunity to present rebuttal evidence after Knife River has concluded their case in chief. Each party will have five minutes for opening statements. Closing arguments may be in oral or written form at the discretion of the hearing officer.

1. Interrogatories and other discovery shall be served by December 3, 2018 no later than 5:00 p.m. Responses to Discovery shall be no later than December 10, 2018 at 5:00 p.m.
2. Deadline for naming of expert witnesses, if any, must be identified no later than 5:00 p.m. December 3, 2018, and the parties must comply with Rule 26 of the Wyoming Supreme Court Rules of Civil Procedure
3. Identification of witnesses and a summary of their testimony shall be exchanged by the parties no later than 4:00 p.m. on December 11, 2018. Exhibits shall be filed with each party and with the Council no later than 4:00 p.m. on December 11, 2018.
4. The filing of all of these documents for the Council can and should be done on the e-file docket site. The e-file will name and number exhibits so do not name and number the originals until after they have been filed them so that they have the same numbers. When filing Exhibits identify them on e-file as final exhibits not pleading exhibits. Contact Mr. Girardin at 307-777-7170 for assistance if needed.
5. The dates for final hearing on this matter will be December 17 and 18, 2018 beginning at 9:00 a.m.

DATED this 20th day of November, 2018


Dr. David Bagley, Hearing Examiner
Environmental Quality Council 

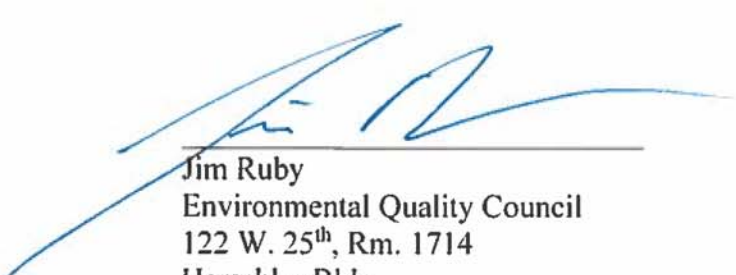
CERTIFICATE OF SERVICE

I, James Ruby, certify that at Cheyenne, Wyoming, on the 20th day of November 2018, I served a copy of the foregoing **Order** by electronic mail to the following:

James Kaste
Attorney for DEQ
James.kaste@wyo.gov

Paul Kapp
Attorney for Knife River
pkapp@spkm.org

Boyd Wiggam
Attorney for Petitioners
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Jim Ruby
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