

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

IN RE THE OBJECTIONS TO MOUNTAIN)
CEMENT CO. PERMIT APPLICATION)
TFN 5 1/110)
)
)

DOCKET NO. 13-4807

FILED

DEC 30 2013

Jim Ruby, Executive Secretary
Environmental Quality Council

ORDER

On December 30, 2013 at 8:30 a.m. the Council held a scheduling conference in the above entitled matter. The Presiding Officer was councilman Tim Flitner. Petitioners present were Brian Waitkus appearing pro se and Cotton Holdings LLC and Kathryn Cotton represented by Nancy Vehr of Hickey and Evans LLP. Present on behalf of the Department of Environmental Quality (Respondent) was Assistant Attorney General Andrew Kuhlmann. Present on behalf of the Third Party Respondent Mountain Cement Company was Phil Nicholas and Mitch Edwards. Staff present for the Council was Jim Ruby, John Knepper and Joe Girardin. The hearing was transcribed by a court reporter.

IT IS HEREBY ORDERED

1. The Parties have until January 3, 2014 to designate their witnesses both lay and expert and expert reports.
2. The Parties shall file Written Interrogatories, Requests for Production of Documents and other discovery by January 2, 2014. Responses to discover shall be completed no later than January 6, 2014. The deadline for depositions will be January 8, 2014.
3. Hearings on any dispositive motions will be heard on the same day as the date for final hearing prior to the beginning of the final hearing.
4. Exhibits shall be filed by each party and with the Council no later than 12:00 noon on January 7, 2014. Exhibits should be provided to the council in both digital and paper form. If an exhibit cannot be provided in digital form than 8 copies of the exhibit shall be provided to the council.
5. The Petitioners shall number their exhibits using their last name and then 1,2,3,4. Brian Waitkus shall identify his as Waitkus 1, 2,3,4 etc. Cotton Holdings and Kathryn Cotton shall identify their exhibits as Cotton 1,2,3,4. The DEQ shall number their Exhibits DEQ 1,2,3,4 etc. Mountain Cement Company shall number their exhibits MCC 1,2,3,4 etc.
6. The Parties estimate that this matter shall take approximately 1½ day to present evidence.
7. The final hearing in this matter shall commence at 1:30 p.m. on January 9, 2014. The hearing shall be held at the State Library, room 112, Cheyenne WY

DATED this 30th day of December 2013.



Tim Flitner, Presiding Officer
Environmental Quality Council 

CERTIFICATE OF SERVICE

I, Tyffanne Rowan, certify that at Cheyenne, Wyoming, on the 30th day of December, 2013, I served a copy of the foregoing **ORDER** by electronic mail to the following:

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