



Deadlines set herein which involve the Hearing Officer's time may only be modified by an express written Order of the Hearing Officer and will only be allowed if the need for modification results from obstacles outside the requesting party's control.

## **2. Settlement**

In the event the parties settle their dispute before the hearing, the parties are informed that there will be no change of scheduling until the settlement is reduced to writing, a stipulation is executed by the parties to that effect, and an order on the stipulation is presented to and approved by the Hearing Officer.

## **3. Amended Pleading**

Petitioner may file a motion requesting the Council's consent to amend its pleadings to include the issue of connectivity to surface water no later than **February 20, 2024**. The Department and Basecamp may file a response to Petitioner's motion to amend by **March 5, 2024**.

## **4. Discovery**

The parties shall serve their initial disclosures on the other parties, but not the Council or Hearing Officer, pursuant to W.R.C.P. 26(a)(1) by **April 1, 2024**. Initial disclosures need only consist of:

- (1) the name and, if known, the address and telephone number of each individual likely to have discoverable information – along with the subjects of the information – that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment; and
- (2) a copy – or a description by category and location – of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment.

Pursuant to W.R.C.P. 26(d), a party may not seek discovery from any source until that party has provided the disclosures required by W.R.C.P. 26(a)(1).

Disclosure of experts shall be made according to the procedure of W.R.C.P. 26(a)(2). Petitioner shall designate expert witnesses by **July 1, 2024**. Respondent Basecamp shall designate expert witnesses by **August 1, 2024**. The Department shall designate expert witnesses by **September 1, 2024**. Rebuttal expert testimony will not be permitted absent good cause shown. These deadlines apply to those specially retained expert witnesses, designated pursuant to W.R.C.P. 26(a)(2)(B), from whom an expert report is required. These deadlines also apply to those witnesses designated pursuant to W.R.C.P. 26(a)(2)(C), who are expected to provide opinion testimony but from whom no report is required. The disclosure of W.R.C.P. 26(a)(2)(C) witnesses shall be accompanied by the summary of the facts or opinions to which the witness is expected to testify and disclose the subject matter on which the witness is expected to present evidence, as specified in W.R.C.P. 26(a)(2)(C).

The discovery cut-off date is **October 15, 2024**. All written discovery requests must be served upon the opposing party **at least 30 days before** the discovery cut-off. No discovery will be permitted beyond the discovery cut-off. All depositions must be completed by the discovery cut-off. The parties have a continuing duty to disclose information and material as it becomes known, even after the deadlines set herein, pursuant to W.R.C.P. 26(e).

Any motion seeking relief due to a discovery dispute must contain a certification that, prior to filing the motion, the movant has in good faith conferred with the opposing person or party to resolve the discovery dispute before seeking intervention by the Hearing Officer and must set forth the opposing person's or party's position on the motion. If the movant has been unable to confer with the opposing person or party to resolve the discovery dispute before seeking court intervention, then the movant must certify a description of all good faith efforts taken by the movant to resolve the discovery dispute. Movant's failure to so certify will result in automatic

denial of the motion. Any response to a motion involving a discovery dispute must be filed **within 10 calendar days**. The Hearing Officer may decide any discovery dispute without a hearing, and may consider the failure to respond within the time permitted as a confession of the motion.

## **5. Dispositive Motions**

Summary judgment or other dispositive motions shall be filed by **October 31, 2024**. Responses shall be filed by **November 20, 2024**. Replies shall be filed by **December 5, 2024**.

The Council finds that filing a separate statement of facts pursuant to Rule 56.1 is unhelpful and directs that no separate statement of facts shall be filed. Any assertion of material fact in any part of a motion or brief shall be supported by pinpoint citation to the evidentiary materials supporting the fact, by paragraph or page, with as much specificity as possible.

The Council will hear and decide all dispositive motions by **January 8, 2025**. The Council will issue a separate order setting a date for a dispositive motions hearing.

## **6. Prehearing Matters**

Pretrial motions and motions in limine shall be filed by **January 15, 2025**. Responses to pretrial motions and motions in limine shall be filed by **January 22, 2025**. The Council will hear and decide all pretrial motions and motions in limine by **January 29, 2025**. The Council will issue a separate order setting a date for a hearing on pretrial motions and motions in limine.

Prehearing memoranda shall be filed by **February 5, 2025**. Prehearing memoranda shall comply with Chapter 2, Section 18 of the Department's Practice and Procedure Rules. Exhibits shall be designated numerically by the Petitioner and alphabetically by Respondents. The Department and Basecamp shall submit a coordinated single exhibit list. The parties shall specify which of the listed witnesses may be called and which will be called. The opposing party is not required to subpoena witnesses who will be called by the other party. Absent good cause shown,

exhibits which are not marked and provided to the other party with the prehearing memoranda will not be received at the hearing, nor shall any witness be permitted to testify unless they are identified on the witness list.

A prehearing conference will be held by telephone on **February 12, 2025**. One hour has been reserved for the prehearing conference.

**7. Hearing**

This matter is scheduled for hearing to begin on **February 25, 2025**, in Cheyenne, Wyoming, at a place to be designated by the Hearing Officer. Three days are reserved for the hearing. Petitioner shall present evidence first, followed by Basecamp, and lastly, the Department.

After the hearing is concluded and the evidence is closed, the parties may file proposed findings of fact and conclusions of law on or before **March 14, 2025**, for the Council's consideration.

DATED this 30<sup>th</sup> day of January, 2024.

/s/ Abigail Boudewyns  
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## CERTIFICATE OF SERVICE

I, Abigail Boudewyns, hereby certify that on the 30th day of January 2024, I electronically filed the forgoing *Stipulated Proposed Scheduling Order* with the Environmental Quality Council and served the following parties using the Environmental Quality Council's electronic notification system:

John Graham  
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/s/ Abigail Boudewyns  
Abigail Boudewyns  
State of Wyoming – Attorney General