



BEFORE THE ENVIRONMENTAL QUALITY COUNCIL

STATE OF WYOMING

In the Matter of the)	
Permit Application of)	Docket No. 2373-92
RISSLER & MCMURRY CO.,)	
TFN 2 6/247		

MOTION FOR PROTECTIVE ORDER

COMES NOW Rissler & McMurry Co. by and through undersigned counsel and hereby moves this Court for an order protecting Rissler & McMurry Co. from the production of certain documents. In support of this motion, counsel for Rissler & McMurry Co. attaches Protestants request for production. Said production is burdensome, irrelevant and is primarily intended to harass.

Furthermore, counsel objects to the ex-parte order granting the motion to shorten time because counsel was not informed that a motion was even made. Counsel's requests that a determination be made at the prehearing as to what documents it must produce.

Further, the order was faxed to counsel at 2:14 p.m. on Friday, May 1, 1992 giving Objector less than one business day to produce said documents.

Said order is in violation of Rule 26 because Objector is being compelled to produce documents without an opportunity to be heard.


Many of the documents requested are matters of public record and counsel for Protestants can obtain them freely on his own.

Said order is arbitrary, capricious and an abuse of discretion. It is clearly beyond the rules of procedure and rules of ethics which require that counsel be given an opportunity to be heard. Counsel was never given notice and was available all day Friday had someone asked me to participate in a hearing. Mr. Gosman personally visited my office at approximately 9:30 in the morning this date, and made no mention no request nor insinuation regarding this matter.

WHEREFORE, Objector, Rissler & McMurry Co. prays that the Order Granting Motion to Shorten Time for Production of Documents be vacated; that Rissler & McMurry Co. be granted a protective order against Protestants burdensome request; an order granting Rissler & McMurry sufficient time to comply with the production of

documents and a hearing to determine those documents deemed relevant for production.

DATED this 1 day of May, 1992.



DONALD J. RISSLER
Attorney for Objector
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CERTIFICATE OF SERVICE

This is to certify that I served a true and correct copy of the foregoing Motion for Protective Order upon Jeffrey C. Gosman, 139 W. Second St., Suite 1-A, Casper, Wyoming 82601, Thomas A. Roan, Assistant Attorney General, 123 Capitol Building, Cheyenne, Wyoming 82002 and Terri A. Lorenzon, 2001 Capitol Avenue, Room 304, 116 West 6th Avenue, Cheyenne, Wyoming 82001-1351, by depositing the same in the U.S. Mail, postage prepaid, properly addressed, this 1 day of May, 1992.



Donald J. Rissler