

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL, STATE OF WYOMING

IN THE MATTER OF THE APPEAL OF ) DOCKET No: 09-3805  
JOHN D. KOLTISKA, AC RANCH, INC ) SCHEDULING ORDER  
PERMIT WY0054364 )

**FILED**  
APR 23 2009  
Jim Ruby, Executive Secretary  
Environmental Quality Council

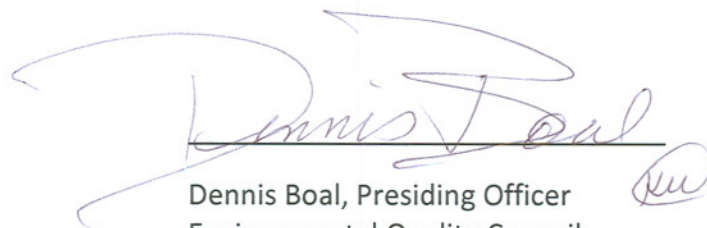
ON THE 21ST<sup>TH</sup> DAY OF APRIL, 2009 at 11:00 a.m. the above entitled matters came on for scheduling conference before the Presiding Officer for the Council, Dennis Boal. Present were Kate Fox and Mark Stewart, counsel for the Petitioner; Mike Barrash and Luke Esch, Asst. Attorney Generals on behalf of the Department of Environmental Quality and Mark Ruppert on behalf of Pennaco Energy. Also present for the conference were Bill DiRienzo and Jason Thomas from the DEQ, James Ruby, Exec. Secretary for the Council, Cathy Guschewsky a member of the Council and Joe Girardin the Council's paralegal.

Discussion was held by the parties and the Presiding Officer and the following was agreed to by the Parties and is hereby made the Order of the Council:

1. All non-expert written and oral discovery shall be completed by July 1, 2009.
2. The Petitioner shall file their Expert Designations and Reports by July 17, 2009. The report shall state the credentials and opinion(s) of each expert and contain a detailed summary of the facts and analysis that supports each opinion.
3. The Respondent and Third Party Respondent shall file their Expert Designations and Reports by August 14, 2009. The report shall state the credentials and opinion(s) of each expert and contain a detailed summary of the facts and analysis that supports each opinion.

4. Depositions including depositions of Experts and written discovery of experts shall be concluded by Sept. 30, 2009
5. Any Dispositive Motions shall be filed by Oct. 16, 2009
6. Replies to Dispositive Motions shall be filed by October 30, 2009
7. Hearing on any Dispositive Motions shall be heard on November 4<sup>th</sup>, 2009. The hearing shall be held in Cheyenne Wyoming.
8. A prehearing conference shall be held, if necessary, on November 4, 2009 after the hearings on any dispositive motions.
9. Final Hearing on the matter shall be held on November 16, 17 and 18<sup>th</sup> 2009. The hearing shall be held in Cheyenne Wyoming.
10. All filings shall be made no later than 4:00 p.m. on the date set forth in this Order.

**SO ORDERED this 23rd Day of April, 2009.**

  
Dennis Boal, Presiding Officer  
Environmental Quality Council

## CERTIFICATE OF SERVICE

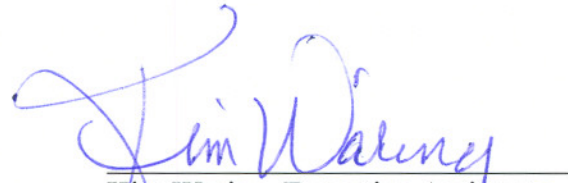
I, Kim Waring, certify that at Cheyenne, Wyoming, on the 23<sup>rd</sup> day of April, 2009, I served a copy of the foregoing SCHEDULING ORDER by electronic mail to the following:

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