

FILED

JUL 08 2010

*Jim Ruby, Executive Secretary
Environmental Quality Council*

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

IN THE MATTER OF:

**James Pace
P.O. Box 575
Douglas, WY 82633**

And

**Peter J. Moore and Bonnie Smith Moore
103 Hwy. 59
Douglas, WY 82633**

)
)
)
)
)
)
)
)
)
)
)
)

DOCKET NO. 10-3207A

ON THE 6th day of July, 2010, the Council through Tom Coverdale, the appointed presiding officer conducted a scheduling conference with the parties. Present at said hearing was the Petitioners Peter and Bonnie Moore, represented by Harry G. Bondi; James and Martha Pace represented by James Hardee; the Department of Environmental Quality, represented by Mike Barrash, Asst. Attorney General; Jim Ruby, Exec. Secretary of the Council and Joe Girardin, paralegal for the Council.

The following schedule has been developed by the Presiding Officer through consultation and the parties are hereby ordered to comply with said schedule unless good cause is shown why the parties are unable to comply.

The following schedule is hereby Ordered:

- a. Discovery may begin immediately, July 6, 2010.
Respondents shall provide a list of all staff witnesses and substance of testimony, no later than September 30, 2010.
- b. Petitioner's expert designations and reports shall be filed by 12:00 noon Oct 8, 2010.
- c. The Respondent expert designations and reports shall be filed by 12:00 noon on Oct 15, 2010.
- d. Petitioner's rebuttal expert designations and reports shall be filed by 12:00 noon on or before Nov. 15, 2010.

e. All discovery, both written and oral, except for depositions of experts, shall be completed by 12:00 noon on or before Nov. 15, 2010.

Depositions of experts shall be concluded by 5:00 p.m. on Dec. 6, 2010

f. Dispositive motions shall be filed by 12:00 noon on or before Jan. 12, 2011

g. Responses to dispositive motions shall be filed by 12:00 noon on or before Feb. 1, 2011.

h. Oral arguments on dispositive motions shall be held on March 10, 11, 2011 in Cheyenne WY. The exact location and time of the arguments will be determined at a later date. Each party will have ten minutes for oral argument. The proponent of any dispositive motion shall also have an additional five minutes for rebuttal argument.

i. Pre-hearing memorandums and three copies of all exhibits shall be filed with the Council by 12:00 noon on or before April 25, 2011. A copy of all exhibits shall also be served on the opposing parties. At a minimum the memorandum shall identify all contested issues and all uncontested issues, will-call and may-call witnesses, exhibits and any other matters the Parties need to have considered at the pre-hearing conference.

j. The pre-hearing conference shall be held on April 29, 2011. The exact location and time will be determined at a later date. The parties may appear by teleconference if personal attendance at the offices of the Council in Cheyenne WY, is impractical. The purpose of the pre-hearing conference is:

1. Identification of witnesses, their addresses, phone numbers, and the substance of their proposed testimony.
2. Clarification of the legal issues, both substantive and procedural, of all the parties, including the statutory provisions and regulations that form the basis of this appeal.
3. Stipulation to uncontested facts.

4. Examination and marking of proposed exhibits and entering into stipulations to the foundation and admissibility of the exhibits and testimony.

5. Pending motions.

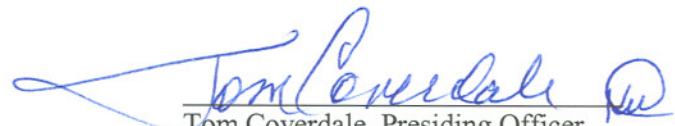
k. Final hearing in this matter is scheduled for the week of May 12, through the 13, 2011.

The exact location and time of the hearing will be determined at a later date.

l. All documents shall be delivered no later than 12:00 noon on the above referenced dates. For the purpose of this order, deliver shall mean that the recipient has the pertinent documents in hand. Delivery does not mean that the documents were placed in the mail or with a delivery service. The parties may deliver documents via fax or e-mail, if prior arrangements have been made with the recipients and the original is mailed at the same time.

The parties shall have ten days from the date of receipt of this Order to file any objections to this Scheduling Order.

SO ORDERED this 9th day of July, 2010


Tom Coverdale, Presiding Officer
Environmental Quality Council

CERTIFICATE OF SERVICE

I, Kim Waring, certify that at Cheyenne, Wyoming, on the 8th day of July, 2010, I served a copy of the foregoing **ORDER OF SCHEDULE** by electronic mail to the following:

John Corra
Director, DEQ
jcorra@wyo.gov

John Wagner, Administrator
DEQ Water Quality Division
jwagner@wyo.gov

Asst. Attorney General
Mike Barrash
mbarra@state.wy.us

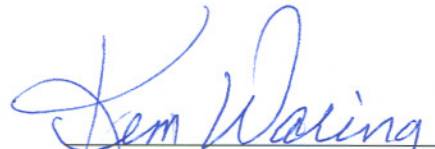
also by depositing the same in the United States mail addressed to:

James J. Pace
P.O. Box 575
Douglas, WY 82633

Peter J. Moore and Bonnie Smith Moore
103 Hwy. 59
Douglas, WY 82633

Harry G. Bondi, No. 5-1354
Harry G. Bondi Law Offices, P.C.
143 South Center Street
Casper, WY 82601
307-266-4425

James Hardee
Attorney at Law
900 South Grant
Douglas, WY 82633



Kim Waring, Sr. Off. Support Spec.
Environmental Quality Council
122 W. 25th, Rm. 1714
Herschler Bldg.
Cheyenne, WY 82002
Phone: 307-777-7170
FAX: 307-777-6134