

STATE OF SOUTH DAKOTA
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
BOARD OF MINERALS AND ENVIRONMENT

IN THE MATTER OF)	
SPYGLASS CEDAR CREEK, LP'S)	
VIOLATIONS OF)	AMENDED
SDCL CHAPTER 45-9 AND)	SCHEDULING ORDER
ARSD ARTICLE 74:12)	

Upon consideration of the Motion for Scheduling Order filed by the Department of Environment and Natural Resources, and being otherwise fully informed as to all matters pertinent thereto, the following Order shall be entered in the above captioned action.

It is ORDERED:

1. No later than **November 30, 2018**, each party who will be represented by an attorney at the contested hearing shall be required to have their attorney file a Notice of Appearance in this matter. Further, any non-resident counsel must be able to demonstrate compliance with the *pro hac vice* requirements of SDCL 16-18-2 by this date.
2. No later than **November 30, 2018**, each party must disclose in writing the names of all witnesses that party intends to call in their case-in-chief.
3. No later than **November 30, 2018**, each party must also disclose in writing the names of all expert witnesses that party intends to call in its case-in-chief. Each party must include in this disclosure a copy of the *curriculum vitae* of each expert witness, as well as a copy of any expert report prepared by each expert witness. If no expert report is available, the disclosure must include a short summary of the expert's expected testimony and the expert's conclusions.
4. No later than **December 7, 2018**, each party must submit a list identifying all exhibits that party intends to offer as evidence in its case-in-chief. Each party must provide to all other parties a copy of each

- identified exhibit. The copies of exhibits must be marked sequentially under the following schedule:
- a. Department of Env. & Nat. Resources: Exhibit numbers 100-199;
 - b. Spyglass Cedar Creek, LLC, 200-299.
5. The disclosure of witnesses and exhibits to any other party, including any copies or attachments, may be carried out by electronic means. Copies of each disclosure must also be submitted by first class mail to Brenda Binegar, Department of Env. & Natural Resources, for filing in the Board's file.
 6. No later than **December 7, 2018**, all pre-hearing motions must be filed with the Hearing Chair and served upon all parties of record. Motions will be considered immediately prior to the commencement of the contested hearing unless the Hearing Chair sets a prehearing conference, or any party requests such a conference.
 7. The contested case hearing held in this matter will be heard before the Board of Minerals and Environment on **December 20, 2018**.

Dated this _____ day of October 2018

BOARD OF MINERALS & ENVIRONMENT

Rexford A. Hagg
Hearing Chair