

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

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

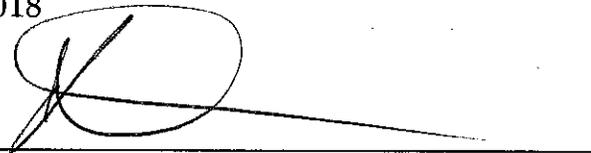
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The Department of Environment and Natural Resources, pursuant to ARSD § 74:09:01:09, respectfully moves the Board's duly appointed Hearing Chair for entry of a scheduling order in the above captioned matter consistent with the following:

1. No later than **November 1, 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 1, 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 1, 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 **November 8, 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, LP: Exhibit numbers 200-299.

5. The disclosure of witnesses and exhibits, 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 Binigar, Department of Env. & Natural Resources, for filing in the Board's file.
6. No later than **November 8, 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 **November 15, 2018**.

Dated this 2nd day of October 2018

A handwritten signature in black ink, consisting of a large, stylized 'R' followed by a horizontal line extending to the right.

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