

CAUSE NO. 2016-DWR-0112

STATE WATER RESOURCES	§	BEFORE THE STATE
DEPARTMENT,	§	
Claimant	§	
	§	
v.	§	OFFICE OF
	§	
CHEM-STAT, A DIVISION OF	§	
POLYCHEM ORGANICS, INC.	§	
Respondent	§	ADMINISTRATIVE HEARINGS

ORDER NO. 1
ORDER FOLLOWING FIRST PREHEARING CONFERENCE

On October 1, 2016, the undersigned administrative law judge (ALJ), as duly appointed by the chief administrative judge of the State Office of Administrative Hearings, convened a telephonic prehearing conference at 8:57 a.m. following written notice by certified mail to both parties. Making appearances for the parties were Adam Larkin, attorney for staff of the State Water Resources Department (Staff), Claimant herein, and Patricia Borland, attorney for Chem-Stat (Chem-Stat), Respondent herein.

The following deadlines and procedures are now in place and will govern this proceeding:

1. By 5:00 p.m., December 1, 2016, the parties will exchange all documents related to the claims asserted by Staff in its First Amended Complaint. Neither party will submit these documents to the ALJ.
2. By 5:00 p.m., January 15, 2017, the parties may file written discovery, including requests for production and written interrogatories. Neither party will submit these documents to the ALJ.
3. By 5:00 p.m., February 15, 2017, the parties will respond to written discovery. Response may include written objections to discovery. Written objections will include the specific discovery request and the objection. Neither party will submit these documents to the ALJ.
4. By 5:00 p.m., March 15, 2017, the parties will confer about any objections to discovery. By that same deadline, if the parties have been unable to resolve their discovery dispute, a party may file a motion to compel discovery, including the written objections including the specific discovery request and objection.

5. By 5:00 p.m., March 30, 2017, the non-movant may file a response to the motion to compel.

6. By 5:00 p.m., April 14, 2017, the movant may file a reply.

7. By 5:00 p.m., June 1, 2017, all discovery, including depositions, will be completed.

8. By 5:00 p.m., July 15, 2017, the parties will exchange exhibits, properly marked and paginated. Exhibit lists will include written direct testimony for each witness to be called at the hearing. Copies will be filed with the ALJ.

9. By 5:00 p.m., August 1, 2017, the parties will file witness lists, including the sequence of each witness to be called and a current curriculum vita.

10. At 9:00 a.m., August 15, 2017, the ALJ will convene a hearing on the merits at the Office of Administrative Hearings, 1212 Congress Avenue, in Capitol City. The hearing will continue daily, Monday through Friday, until August 23, 2017, at 5:00 p.m.

11. By 5:00 p.m., October 1, 2017, each party may file a post-trial original brief. A brief, if filed, will include references to exhibits by exhibit number and page number and references to transcripts by volume and page number.

12. By 5:00 p.m., October 8, 2017, each party may file a post-trial response brief, including proposed findings of fact and conclusions of law. A brief, if filed, will include references to exhibits by exhibit number and page number and references to transcripts by volume and page number.

A party may file any objections to this order by 5:00 p.m., October 12, 2016. The ALJ may determine the merits of any objections by live hearing or on the documentary submissions of any party. The rules of the State Office of Administrative Hearings apply in this proceeding. A copy of the procedural rules of the State Office of Administrative Hearings is appended to this order and, for all purposes, is made an attachment thereto, governing all proceedings except as otherwise ordered by the ALJ or his or her successor, if any.

Dated: October 2, 2016

Administrative Law Judge