

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE COMMISSIONER OF HEALTH

In the Matter of Chicago Food & Deli
WIC Vendor No. 0187

FIRST PREHEARING ORDER

A prehearing conference was held in the above-captioned matter in Courtroom 1 of the Office of Administrative Hearings on August 13, 2004, at 1:30 p.m. Kristen M. Olsen, Assistant Attorney General, 445 Minnesota Street, Suite 1200, St. Paul, MN 55101-2130, appeared on behalf of the Department of Health. Carol Lynn O'Gara, Attorney at Law, O'Gara Law Office, 550A Butler Square, 100 North Sixth Street, Minneapolis, MN 55403, appeared on behalf of the Respondent, Chicago Food & Deli.

Based upon discussions with counsel during the prehearing conference, IT IS HEREBY ORDERED as follows:

1. The Respondent shall serve and file its Motion to Dismiss and supporting memorandum by August 18, 2004. Unless the Respondent notifies the Department prior to September 1, 2004, that it intends to supplement its motion to dismiss based upon discovery to be received from the Department, the Department's response in opposition to the motion shall be served and filed by September 1, 2004, and the Respondent's reply brief with respect to the motion shall be served and filed by September 7, 2004. Should the Respondent elect to supplement its motion to dismiss, it shall notify the Department prior to September 1, 2004, and serve and file a supplemental motion and memorandum by September 1, 2004. In that instance, the Department's response in opposition to the motion shall be served and filed by September 7, 2004, and the Respondent's reply brief shall be served and filed by September 13, 2004.
3. If the motion to dismiss is not successful in disposing of this case, the hearing in this matter shall be held on October 21, 2004, commencing at 9:30 a.m. in the courtrooms of the Office of Administrative Hearings, 100 Washington Avenue South, Suite 1700, Minneapolis, Minnesota.
4. Counsel shall exchange proposed exhibit and witness lists by October 7, 2004. The witness lists shall include a brief summary of the expected testimony of each witness. To the extent possible, the parties shall enter into prehearing stipulations regarding the facts involved in the hearing and foundation for anticipated exhibits.

5. The Department of Health has requested a court reporter for the hearing and intends to order a copy of the transcript.
6. The parties shall appear at the hearing with at least three copies of each exhibit they plan to offer into evidence. Exhibits shall be pre-marked using arabic numbers without designation of the party offering the exhibit.

Dated: August 17, 2004.

/s/ Barbara L. Neilson
BARBARA L. NEILSON
Administrative Law Judge