

December 18, 2009

Eugene M. Evasku
STREET ADDRESS REDACTED
Hastings, MN 55033

Michael J. Tostengard
Assistant Attorney General
445 Minnesota Street, Suite 1200
St. Paul, MN 55101-2130

Re: In the Matter of Eugene M. Evasku; OAH Docket No. 11-1004-20930-2

Dear Mr. Evasku and Mr. Tostengard:

This letter will confirm our discussions during the prehearing conference held on December 17, 2009, and constitutes the First Prehearing Order in this contested case proceeding.

The following schedule will govern this matter:

1. By March 19, 2010, the parties shall exchange proposed exhibit and witness lists relating to this case. The witness lists shall include a brief summary of the expected testimony of each witness. If any documents identified as exhibits have not yet been exchanged, copies shall be provided with the exhibit lists. Exhibits shall be premarked by the parties. The Department shall number its exhibits sequentially beginning with number 1, and Mr. Evasku shall number his exhibits sequentially beginning with number 101.
2. The hearing in this matter shall be held on Friday, April 2, 2010, commencing at 9:30 a.m. in the courtrooms of the Office of Administrative Hearings, 600 North Robert Street, First Floor, St. Paul, Minnesota.
3. The hearing shall be digitally recorded unless the parties notify the Administrative Law Judge by March 26, 2010, that they will require the services of a court reporter.

Letter to G. Evasku and M. Tostengard
December 18, 2009
Page Two

During the prehearing conference, Mr. Evasku indicated that he intends to submit a written request to the Department for the contents of the file maintained by the Department pertaining to him. Notwithstanding the provisions of the Minnesota Data Practices Act, the Department shall provide relevant, non-privileged documents, including "not public" documents, to Mr. Evasku in response to his discovery requests. Documents that are "not public" shall be stamped with those words. Any "not public" data disclosed must be used only for purposes of this proceeding and not for any other purpose without a prior court order. Disclosure of "not public" data is limited to parties, counsel, employees assisting counsel, and representatives and witnesses of the parties to the extent necessary to prepare and present claims and defenses or as required by court order.

Please do not hesitate to contact me if you believe that an additional prehearing conference or telephone conference call would be helpful prior to the hearing.

Sincerely,

s/Barbara L. Neilson

BARBARA L. NEILSON
Administrative Law Judge
Tel. No.: 651-361-7845

cc: Docket Coordinator