

November 12, 2010

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300 First Street N.W.
Austin, MN 55912

Re: In the Matter of the Order to Comply Labor Law Violation of Daley Farms of
Lewiston; OAH Docket No. 11-1900-19544-2

Dear Counsel:

This letter will confirm our discussions during the telephone prehearing conference held in the above matter on November 10, 2010, and constitutes the First Prehearing Order in this contested case proceeding.

The following schedule will govern this matter:

1. By February 1, 2011, the parties shall serve and file a statement identifying persons they expect to call as expert witnesses in this case. The statement shall describe the subject matter of the expected testimony of each expert, state the substance of facts and opinions to which each expert is expected to testify, and provide a summary of the grounds for each opinion.
2. All discovery in this matter shall be completed by March 1, 2011.
3. A telephone conference call to discuss the status of this case shall be held on March 4, 2011, at 1:30 p.m. The Administrative Law Judge will initiate the conference call.
4. By March 8, 2011, the parties shall exchange and file 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 using numbers rather than letters. Unless otherwise agreed, the Department shall begin its numbering with Exhibit 1, and the Respondent shall begin with Exhibit 100.

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5. All dispositive or non-dispositive motions shall be filed by March 15, 2011.
6. The hearing in this matter shall commence on Tuesday, March 29, 2011, at 9:30 a.m. in the courtrooms of the Office of Administrative Hearings, 600 North Robert Street, First Floor, St. Paul, Minnesota. The hearing shall continue on March 30, 2011, if necessary.
7. The hearing shall be digitally recorded unless the parties notify the Administrative Law Judge by March 22, 2011, that they will require the services of a court reporter.
8. Pursuant to Minn. R. 1400.6950, subp. 2, any party objecting to the foundation for a written exhibit must notify the offering party and the Administrative Law Judge in writing at least two working days before the hearing or the foundation objection will be deemed to have been waived.

Please do not hesitate to contact me at any time if you believe that an additional prehearing conference or telephone conference call would be helpful.

Sincerely,

s/Barbara L. Neilson

BARBARA L. NEILSON
Administrative Law Judge
Tel.: (651) 361-7845

cc: Docket Coordinator