

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE DEPARTMENT OF LABOR AND INDUSTRY

State of Minnesota
By Scott Brener, Commissioner,
Complainant,

PREHEARING ORDER

v.

Meyer Contracting, Inc.
Respondent.

A prehearing conference was held on May 12, 2003, at the Office of Administrative Hearings, 100 Washington Avenue South, Suite 1700, Minneapolis, MN 55401. Rory H. Foley, Assistant Attorney General, 525 Park Street, Suite 500, St. Paul, MN 55103-2106 appeared on behalf of the Minnesota Occupational Safety and Health Division (MnOSH). Kathleen L. Meyer, President, appeared on behalf of Meyer Contracting, Inc., ("Meyer") 19145 Vassar Street, Forest Lake, MN 55025. Ms. Meyer was assisted by Timothy G. Galarnyk.

IT IS HEREBY ORDERED:

1. Meyer shall respond to MnOSH's discovery by **May 19, 2003**. The MnOSH file shall be available for Meyer's inspection, at a time and place agreed upon with counsel for MnOSH. Any discovery requests by Meyer shall be served upon counsel for MnOSH by **May 19, 2003**, and MnOSH shall have thirty days to respond.

2. By **May 19, 2003** Meyer shall identify every person expected to be called as an expert witness and shall file a statement describing the subject matter of expected expert testimony, the substance of the facts and opinions to which the expert is expected to testify, and provide a summary of the grounds for each opinion, and any report prepared by the expert for this matter. Meyer shall also include a curriculum vitae for each expert.

3. This matter is scheduled for hearing on **July 1, 2003** commencing at **9:30 a.m.** at the Office of Administrative Hearings, 100 Washington Avenue South, Suite 1700, Minneapolis, MN 55401.

4. The parties shall exchange proposed written exhibits and witness lists and file an index of exhibits and a copy of the witness list with this office by **June 24, 2003**.

At the time of the prehearing conference, MnOSH anticipated calling one witness, Gary Anderson, and Meyer anticipated calling one expert and Paul Meyer. To the extent possible, the parties shall enter into prehearing stipulations regarding the facts involved in the hearing and foundation for anticipated exhibits. Any party objecting to foundation for any written exhibit must notify the offering party and judge in writing at least two working days prior to the hearing or the foundation objection is waived.

5. In the event that either side requests a court reporter, notice shall be given to the Office of Administrative Hearings no later than **May 24, 2003**.

6. Requests for subpoenas for the attendance of witnesses or the production of documents shall be made in writing to the administrative law judge pursuant to Minn. R. 1400.7000. A copy of the subpoena request shall be served on the other parties. A subpoena request form is available at www.oah.state.mn.us.

7. The parties have not requested accommodation for a disability or appointment of an interpreter. The Office of Administrative Hearings shall be notified promptly if either an accommodation or interpreter is needed.

8. This case may be appropriate for mediation. The parties are encouraged to promptly consider requesting the Chief Administrative Law Judge to assign a mediator so that mediation can be scheduled promptly.

Dated this 14th day of May 2003.

/s/ Beverly Jones Heydinger
BEVERLY JONES HEYDINGER
Administrative Law Judge