

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE DEPARTMENT OF LABOR AND INDUSTRY

M. Scott Brener, Commissioner, Department
of Labor and Industry, State of Minnesota,

Complainant,

FIRST PREHEARING ORDER

v.

Columbia Gear Corporation,

Respondent.

A prehearing conference was held in the above-captioned matter by telephone on March 19, 2007, at 1:00 p.m. Timothy H. Chirhart, Attorney at Law, Neils, Franz & Chirhart, P.A., 1011 Second Street North, Box 307, St. Cloud, MN 56302, appeared on behalf of Columbia Gear Corporation. Tricia L. Matzek, Assistant Attorney General, 445 Minnesota Street, Suite 900, St. Paul, MN 55101-2127, appeared on behalf of the Department of Labor and Industry.

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

1. The Department has withdrawn its motion for default judgment in this matter.
2. By June 1, 2007, the Complainant shall serve Respondent with a statement identifying persons Complainant expects to call as expert witnesses at the hearing. The statement shall describe the subject matter of each expert's expected testimony, state the substance of facts and opinions to which the expert is expected to testify, and provide a summary of the grounds for each opinion.
3. By June 8, 2007, the Respondent shall serve Complainant with a statement identifying persons Respondent expects to call as expert witnesses at the hearing. The statement shall describe the subject matter of each expert's expected testimony, state the substance of facts and opinions to which the expert is expected to testify, and provide a summary of the grounds for each opinion.
4. All discovery shall be completed by July 19, 2007.

5. All motions shall be served and filed by August 27, 2007. Responses in opposition to such motions shall be served and filed within ten working days after receipt of the motions, and reply briefs in support of motions shall be served and filed within five working days of receipt of responses in opposition.
6. By September 20, 2007, counsel shall exchange proposed exhibit and witness lists. The witness lists shall include a brief summary of the expected testimony of each witness.
7. To the extent possible, the parties shall enter into prehearing stipulations regarding the facts involved in the hearing and foundation for anticipated exhibits. Pursuant to Minn. R. 1400.6950, subp. 2, any party objecting to the foundation for any written exhibit must notify both the offering party and the Administrative Law Judge in writing at least two working days before the hearing or the foundation objection is waived.
8. By September 20, 2007, counsel shall notify the Administrative Law Judge whether they will require the services of a court reporter at the hearing. If no court reporter is requested, the hearing will be tape-recorded.
9. The hearing in this matter shall be held on October 18-19, 2007, commencing at 9:30 a.m. each day in St. Cloud, Minnesota, in a location to be arranged by the Department of Labor and Industry.
10. 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: April 3, 2007.

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