

May 15, 2008

Julie A. Leppink
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445 Minnesota Street
Suite 900
St. Paul, MN 55101-2127

Michael S. Glassman
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255 East Fifth Street, Suite 1900
Cincinnati, OH 45202

RE: Steve Sviggum, Commissioner, Department of Labor and Industry,
Complainant v. Golden Living Center - Delano, Respondent;
OAH Docket No. 11-1901-19364-2
and
Steve Sviggum, Commissioner, Department of Labor and Industry,
Complainant v. Golden Living Center Chateau, Respondent;
OAH Docket No. 11-1901-19095-2

Dear Ms. Leppink and Mr. Glassman:

I have received Ms. Leppink's letter of May 12, 2008, in which she indicated that the parties are discussing settlement and wished to jointly request a revision to the First Prehearing Order that was issued in February. The revised schedule proposed by the parties is acceptable to me.

This letter will confirm the revised schedule and constitutes the Second Prehearing Order in these two contested case proceedings:

1. By June 15, 2008, the Department shall serve the Respondents with a statement identifying persons the Department expects to call as expert witnesses in these matters and, by June 30, 2008, the Respondents shall serve the Department with a statement identifying persons the Respondents expect to call as expert witnesses. The expert witness statements shall describe the subject matter of each expert's expected testimony, state 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.

2. All discovery in these matters shall be completed by September 15, 2008.

Letter to J. Leppink and M. Glassman
May 15, 2008
Page Two

3. All motions in these matters shall be filed by no later than October 3, 2008. Responses in opposition to any such motions shall be filed by October 10, 2008, and reply briefs in support of such motions shall be filed by October 15, 2008.

4. By November 14, 2008, the parties shall exchange proposed exhibit and witness lists. 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.

5. By November 14, 2008, the parties shall notify the Administrative Law Judge whether they will require the services of a court reporter at the hearings. If no court reporter is requested, the hearings shall be digitally recorded.

6. The hearings in these matters shall commence on Wednesday, December 10, 2008, at 9:30 a.m. in the courtrooms of the Office of Administrative Hearings, which are located on the first floor of the Stassen Building, 600 North Robert Street, St. Paul. The hearings shall continue on Thursday, December 11, 2008, if necessary.

7. The parties shall appear at the hearings with at least three copies of each document they plan to offer into evidence. Exhibits shall be premarked by the parties using Arabic numbers.

Please do not hesitate to contact me 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