

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE DEPARTMENT OF LABOR AND INDUSTRY

Steve Sviggum, Commissioner,
Department of Labor and Industry,

FIFTH PREHEARING ORDER

v.

M.A. Mortenson Company,

This matter came before Administrative Law Judge Eric L. Lipman upon the submissions of the parties and their joint request for an adjustment of the deadlines set forth in the Fourth Prehearing Order.

IT IS HEREBY ORDERED:

1. The pre-hearing conference scheduled for Monday, May 4, 2009 is CANCELLED.
2. On or before **4:30 p.m. on Thursday, June 4, 2009**, counsel shall file either:
 - a. a dismissal of the complaint; or alternatively,
 - b. individually-submitted or jointly-submitted proposed revisions of the Third Prehearing Order – including mutually convenient dates for an evidentiary hearing.

Dated: May 4, 2009

/s/ Eric L. Lipman

ERIC L. LIPMAN
Administrative Law Judge