

July 16, 2009

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RE: Commissioner v. Service Printers of Duluth, Inc.;  
OAH Docket No. 11-1901-20504-2

Dear Counsel:

This letter will confirm our discussions during the telephone prehearing conference held in the above matter on July 14, 2009, and constitutes the First Prehearing Order in this contested case proceeding.

The following schedule will govern this matter:

1. By September 1, 2009, the parties shall serve each other with an initial statement identifying persons expected to be called as expert witnesses in this case.
2. By September 10, 2009, the parties shall serve each other with a supplemental statement identifying any additional persons expected to be called as expert witnesses in response to the initial disclosure.
3. By October 1, 2009, the parties shall serve each other with a statement describing the subject matter of each expert's expected testimony, stating the substance of facts and opinions to which the expert is expected to testify, and providing a summary of the grounds for each opinion.
4. All discovery in this case shall be completed by November 16, 2009.
5. All dispositive motions in this case shall be filed by November 30, 2009. Responses in opposition to such motions shall be filed within ten working days of receipt of the motion, and reply briefs shall be filed within five calendar days of receipt of the response in opposition.

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6. Oral argument regarding dispositive motions shall be heard by telephone conference call on January 5, 2010, at 3:30 p.m. The Administrative Law Judge shall initiate the conference call.
7. By February 10, 2010, the parties shall exchange 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.
8. 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.
9. The hearing in this matter shall be held on Wednesday, March 3, 2009, commencing at 9:30 a.m. in the courtrooms of the Office of Administrative Hearings, 600 North Robert Street, First Floor, St. Paul, Minnesota.
10. The hearing shall be digitally recorded unless the parties notify the Administrative Law Judge in advance of the hearing that they will require the services of a court reporter.

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