

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE DEPARTMENT OF LABOR AND INDUSTRY

Commissioner of Labor and Industry

**PREHEARING ORDER**

v.

Jeanetta & Sons Excavating

A prehearing conference was held by telephone on March 10, 2011. Julie A. Leppink, Assistant Attorney General, appeared on behalf of the Department of Labor and Industry. Joseph Jeanetta appeared on his own behalf, without an attorney.

During the prehearing conference Ms. Leppink agreed that she would send Mr. Jeanetta the investigation file, including pictures of the work site. Mr. Jeanetta will contact Ms. Leppink to discuss the information and to let her know if he needs any additional information from the Department.

The parties are encouraged to discuss this matter to determine if it can be settled.

IT IS HEREBY ORDERED:

1. This matter is scheduled for hearing on **May 17, 2011**, commencing at **9:30 a.m.**, at the Office of Administrative Hearings, 600 North Robert Street, St. Paul, Minnesota.

2. By **May 3, 2011**, the parties shall exchange copies of any documents to be offered into evidence at the hearing and a list of witnesses to be called and shall also file copies with this office. See Minn. R. 1400.6950. The witness list shall include the name and address of the witness and a few sentences explaining the testimony that the witness will give.

3. Hearings are ordinarily digitally recorded. In the event that any party requests a court reporter, notice shall be given to the Office of Administrative Hearings no later than **May 3, 2011**. See Minn. R. 1400.7400, subp. 2. There is a charge for a court reporter.

4. 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](http://www.oah.state.mn.us). A copy of the subpoena request form and instructions for using it will be provided to Mr. Jeanetta.

5. 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.

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

Dated this 11th day of March 2011.

s/Beverly Jones Heydinger  
BEVERLY JONES HEYDINGER  
Administrative Law Judge