

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE DEPARTMENT OF LABOR AND INDUSTRY

In the Matter of Executive Homes
Minnesota, LLC

PREHEARING ORDER

A prehearing conference was held on November 1, 2006 by telephone before Chief Administrative Law Judge Raymond R. Krause (the ALJ). Christopher M. Kaisershot, Assistant Attorney General, 445 Minnesota Street, Suite 1200 St. Paul, Minnesota 55101, appeared on behalf of the Department of Labor and Industry. Jon G. Sarff, Sarff & Sarff Law Office, 124 East Walnut Street, Suite 210, Mankato, Minnesota 56001, appeared on behalf of Executive Homes Minnesota, LLC.

IT IS HEREBY ORDERED:

1. Discovery shall be completed by December 8, 2006. Any Motion to Compel Discovery must be filed with the ALJ by December 15, 2006.

2. By December 8, 2006 the parties shall identify persons expected to be called as expert witnesses.

3. By December 8, 2006 the parties shall file a statement describing the subject matter of expected expert testimony, 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, any report prepared by the expert for this matter, and a curriculum vitae for the expert.

4. Any dispositive motions shall be served by December 1, 2006 and the responding party shall have ten working days to respond.

5. This matter is scheduled for hearing on January 23, 2007 commencing at 9:00 a.m. at the Office of Administrative Hearings, 100 Washington Avenue South, Suite 1700, Minneapolis, MN 55401. The hearing shall continue on January 24, 2007 as necessary.

6. The parties shall exchange proposed written exhibits and witness lists and file an index of exhibits and a copy of the witness list with this office by January 11, 2007. To the extent possible, the parties shall enter into prehearing stipulations regarding the facts involved in the hearing and foundation for anticipated exhibits. Any party objecting to foundation for any written exhibit must notify the offering party and judge in writing at least two working days prior to the hearing or the foundation objection is waived.

7. No court reporter is requested for this hearing.

8. 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.

9. 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.

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

Dated this 1st day of November 2006.

s/Raymond R. Krause
RAYMOND R. KRAUSE
Chief Administrative Law Judge

Cc; Docket Coordinator