

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

In the Matter of the Administrative Order
Issued to LeMaster Companies, Inc.

**ORDER ON MOTION TO EXCLUDE
EVIDENCE**

This matter is before Administrative Law Judge Steve M. Mihalchick¹ on Respondent LeMaster Companies, Inc.'s, Motion for Summary Disposition. The motion was first made during a conference at the start of the hearing in this matter on May 24, 2010. Because of the number of arguments and citations to legal authorities, the Administrative Law Judge asked the parties to submit written arguments and continued the hearing to July 19, 2010. Subsequently, the hearing was further continued to July 26, 2010. The motion record closed on June 22, 2010, upon receipt of the Department's reply letter memorandum in opposition to the motion.

Although entitled a Motion for Summary Disposition, Respondent's motion actually requests that certain documents to be offered by the Department of Labor and Industry (the Department or DLI) be found to be "protected documents" under Minn. Stat. ch. 13, the Minnesota Government Data Practices Act (the MGDPA), and be precluded from and denied admission to the record. Other arguments against admission of the documents were also raised. Because of that, the Administrative Law Judge has treated Respondent's motion as a motion *in limine*, a motion to exclude evidence.

Christopher M. Kaisershot, Assistant Attorney General, Suite 1200, 445 Minnesota Street, St. Paul, MN 55101-2130, represents the Department. Valerie LeMaster, Attorney at Law, Mackenzie & Dornik, P.A., 150 South Fifth St, Suite 2500, Minneapolis, MN 55402, represents Respondent.

Based upon all of the files, records, and proceedings herein, and for the reasons set forth in a Memorandum that will be issued before the start of the hearing on July 26, 2010, the Administrative Law Judge makes the following:

¹ Retired Administrative Law Judge appointed pursuant to Minn. Stat. § 14.48, subd. 4. Unless otherwise specified, statutory references are to 2009 Minnesota Statutes, which are available at www.revisor.mn.gov/statutes.

