

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE MINNESOTA COMMISSIONER OF TRANSPORTATION

In the Matter of Bauerly Bros., Inc.
Contract No. S98355

SECOND PREHEARING ORDER

The above-entitled matter came on before Administrative Law Judge Steve M. Mihalchick for a telephone prehearing conference on August 8, 2000.

Michael A. Sindt, Assistant Attorney General, 525 Park Street, Suite 200, St. Paul, Minnesota 55103-2106, appeared on behalf of the Department of Transportation. Gerald S. Duffy, Siegel, Brill, Greupner, Duffy & Foster, P.A., 1300 Washington Square, 100 Washington Avenue South, Minneapolis, Minnesota 55401, appeared on behalf of Bauerly Bros., Inc. Paul W. Iversen, Williams & Iversen, P.A., appeared on behalf of the International Union of Operating Engineers, Local 49. Thomas F. Andrew, Brown, Andrew, Signorelli & Zallar, P.A., 306 W. Superior Street, Suite 300, Duluth, MN 55802, appeared on behalf of Teamsters Locals 160, 221, 554, and 346.¹

Based upon all the files and proceedings herein, the Administrative Law Judge makes the following:

ORDER

1. The petition of Teamsters Locals 160, 221, 554 and 346 to intervene in this matter is granted to the extent that the Teamsters Locals may submit briefs on all issues and motions, but will not be parties and shall not be allowed to call witnesses or to cross-examine witnesses.
2. The schedule is modified as follows:
 1. All discovery, including depositions, will be completed by November 10, 2000.
 2. All prehearing motions will be filed by December 1, 2000 and responses to any such motions will be filed by December 15, 2000. A hearing on such motions will be held December 21, 2000 at 1:30 p.m. at the Office of Administrative Hearings.
 3. The hearing in this matter will commence January 15, 2000, at 9:00 a.m. in the Second Floor Conference Room, 525 Park Street, St. Paul, Minnesota, and continue as necessary through January 19, 2001.

¹ Thomas Andrew was standing in for Timothy W. Andrew, who is counsel of record for the Teamsters Locals.

Dated this 11th day of August 1999.

STEVE M. MIHALCHICK
Administrative Law Judge

MEMORANDUM

In the first Prehearing Order issued January 29, 1999, the Administrative Law Judge partially granted the petition of the International Union of Operating Engineers, Local 49, to intervene to the extent of allowing it to submit briefs on all issues and motions, but not allowing it to be a party or to call witnesses or to cross examine witnesses. The Teamsters Locals filed a Petition to Intervene on February 16, 1999 that was never acted upon because the matter was continued indefinitely pending the appeal of the L & D Trucking case. The interests of the Teamsters Locals are virtually identical to those of Local 49 and it is appropriate to grant them the same limited participation status.

SMM