

BEFORE THE RECLAMATION COMMISSION

STATE LINE RESOURCES, INC.,

Appellant,

-vs-

DIVISION OF MINERAL RESOURCES,
MANAGEMENT,

Appellee.

Case No. RC-14-003

Review of Chief's Decision; Request
for Bond Release; Permit D-2063

PRE-HEARING ORDER;
NOTICE OF TELEPHONE
PRE-HEARING CONFERENCE
& FILING SCHEDULE

Appearances: Vito J. Abruzzino, Counsel for Appellant State Line Resources, Inc.; Brian Ball, Nicole Candelora-Norman, Assistant Attorneys General, Counsel for Appellee Division of Mineral Resources Management.

Pursuant to notice, representatives of the parties to the above-captioned matter were contacted for Pre-Hearing Conference on July 8, 2014. Counsel participated freely in the conference. Items discussed and determined were as follows:

1. **SCHEDULING OF A TELEPHONE PRE-HEARING CONFERENCE:** A telephone pre-hearing conference with the Commission's Hearing Officer is hereby scheduled for **August 19, 2014 at 1:30 p.m.**

You will be contacted by the Hearing Officer at the following numbers:

Vito Abruzzino – 330-337-6586
Brian Ball, Nicole Candelora-Norman – 614-265-6804

PLEASE BE PREPARED to report upon the status of this appeal.

2. **POSSIBLE AMENDMENT OF NOTICE OF APPEAL:** During the July 8, 2014 conference, an issue was raised as to whether the activities addressed by this appeal relate to requests for Phase 1 and 2 bond releases or relate to requests for Phase 2 and 3 bond releases. If the notice of appeal incorrectly identifies the reclamation phases relevant to this matter, Appellant will swiftly amend its notice of appeal, as allowed under O.A.C. §1513-3-04(F).

3. **PRE-HEARING MOTIONS:** The Division has indicated that it will be filing a motion to dismiss this appeal. Such motion shall be filed, and responded to, in accordance with the following schedule:

Pre-hearing Motion – due **July 18, 2014**

Response to Motion – due **July 28, 2014**

Reply to Response – due **August 5, 2014**

The Commission will attempt to decide any pending motions expeditiously.

4. **THE SCHEDULING OF A SITE VIEW & MERIT HEARING:** Currently, it is the Commission's intention to rule upon any dispositive motions **prior** to scheduling a site view and merit hearing.

5. **MANNER OF FILING & SERVICE:** To expedite communication in this appeal, the Commission will allow the filing and service of documents via e-mail transmission. (See O.A.C. §1513-3-05(K).) Where filing is accomplished through e-mail, there is **no** requirement that original documents also be mailed to the Commission.

Such communication shall utilize the following e-mail addresses:

Commission – linda.osterman@dnr.state.oh.us

Appellant – vabruzzo@hhmlaw.com

Appellee – brian.ball@ohioattorneygeneral.gov

Appellee – nicole.candelora-norman@ohioattorneygeneral.gov

The Commission will continue to issue orders and notices both electronically and through mail service.

If any of the above statements do not substantially represent the agreements or discussions of the parties made at the pre-hearing conference, please contact the Commission's Hearing Officer.

7/18/2014
DATE



LINDA WILHELM OSTERMAN
Hearing Officer.

DISTRIBUTION:

Vito J. Abruzzino, Via E-Mail [vabruzzo@hhmlaw.com] & Regular Mail

Brian Ball, Nicole Candelora-Norman, Via E-Mail [brian.ball@ohioattorneygeneral.gov & nicole.candelora-norman@ohioattorneygeneral.gov] &

Inter-Office Mail