

Cefalo, James

From: Cefalo, James
Sent: Thursday, June 02, 2016 12:44 PM
To: 'Rob Harris'; Vonde, Ann
Subject: Discovery in the Herbst Cases

Ann and Rob,

As you probably noticed, the Notice of Hearing included both Application for Permit 74-16008 and Application for Transfer 80150. IWRB protested the transfer application to make sure that the transfer approval was consistent with the final settlement of Application 74-16008. In light of the pending settlement and narrowing of the scope of hearing, it might make sense for IWRB to withdraw its protest against the transfer application to simplify the hearing. I don't think there were any substantive objections to what was being proposed in the transfer application.

Rule 521 allows written discovery if a party files a motion seeking a discovery order or if the parties informally agree to discovery. Ann has made an informal request for some limited discovery prior to the hearing, which is set for July 14th. The disclosure deadline is June 30th. If Rob is open to discovery, I would propose the following schedule and limits:

Discovery begins immediately.

Requests and responses may be sent exclusively by email.

Requests must be sent on or before June 10th.

Responses must be sent on or before June 22nd.

Limited to 10 interrogatories and 5 requests for production.

Let me know what you think. If Rob is not willing to agree to discovery informally, then, Ann, you will need to file a motion requesting an order authorizing discovery.

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