

**STATE OFFICE OF ADMINISTRATIVE HEARINGS****AUSTIN OFFICE****300 West 15th Street Suite 502****Austin, Texas 78701****Phone: (512) 475-4993****Fax: (512) 475-4994**DATE: **08/14/2009**NUMBER OF PAGES INCLUDING THIS COVER SHEET: **5**REGARDING: **ORDER NO. 3 - ADOPTING PROCEDURAL SCHEDULE AND SCHEDULING PREHEARING  
CONFERENCE AND HEARING ON THE MERITS**DOCKET NUMBER: **802-09-4552****JUDGE MICHAEL J OMAILEY****FAX TO:**

DICK TERRELL BROWN

**FAX TO:**

(512) 328-5112

CHARLES L. LACALLADE

(325) 388-7102

VIC RAMIREZ

(512) 473-4010

BRAD ROCKWELL (LOWERRE, FREDERICK, PERALES,  
ALLMON & ROCKWELL)

(512) 482-9346

ROBERT D SWEENEY (TEXAS PARKS AND WILDLIFE  
DEPARTMENT)

(512) 389-4482

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**SOAH DOCKET NO. 802-09-4552**

**APPLICATION OF JOE LONG AND** § **BEFORE THE STATE OFFICE**  
**MARK STEPHENSON FOR A SAND AND** §  
**GRAVEL PERMIT** § **OF**  
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§  
**ADMINISTRATIVE HEARINGS**

**ORDER NO. 3**  
**ADOPTING PROCEDURAL SCHEDULE AND**  
**SCHEDULING PREHEARING CONFERENCE AND HEARING ON THE MERITS**


On August 12, 2009, the parties to this proceeding filed an agreed procedural schedule. The Administrative Law Judge approves and adopts the following schedule:

November 30, 2009	Deadline for applicants to prefile their direct case, including testimony of all experts and any other exhibits.
January 8, 2010	Deadline for protestants and intervenors to prefile their direct cases, including testimony of all experts and any other exhibits.
February 8, 2010	Deadline for Texas Parks and Wildlife Department to file its direct case, including testimony of all experts and any other exhibits.
February 19, 2010	Deadline to serve written discovery.
March 2, 2010	Deadline for taking depositions, except for those of rebuttal witnesses limited to matters that are within the designated scope of their rebuttal testimony but are not within the scope of their prefiled direct testimony, if any.
March 16, 2010	Deadline for filing any objections to prefiled direct testimony and hearing exhibits.
March 29, 2010	Deadline for applicants to file list of rebuttal witnesses.
April 15, 2010	Deadline for filing dispositive motions.
April 19, 2010	Deadline for all parties to file responses to objections to prefiled direct testimony and hearing exhibits.
April 29, 2010	Deadline for taking limited depositions of listed rebuttal witnesses.
April 30, 2010	Deadline for filing responses to dispositive motions.

June 1, 2010 <sup>1</sup>	Prehearing conference
June 7-11, 2010	Hearing on the merits

The prehearing conference will convene at 9:00 a.m., Tuesday, June 1, 2010, at the State Office of Administrative Hearings, 300 West 15<sup>th</sup> Street, William P. Clements Building, 4<sup>th</sup> Floor, Austin, Texas. The hearing on the merits will convene at 9:00 a.m., Monday, June 11, 2010, at the State Office of Administrative Hearings, 300 West 15<sup>th</sup> Street, William P. Clements Building, 4<sup>th</sup> Floor, Austin, Texas. The hearing is expected to last five days (June 7- 11, 2010)<sup>2</sup>.

**SIGNED August 14, 2009.**

  
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**MICHAEL J. O'MALLEY**  
**ADMINISTRATIVE LAW JUDGE**  
**STATE OFFICE OF ADMINISTRATIVE HEARINGS**

<sup>1</sup> The parties had agreed to May 31, 2010, as the date for the prehearing conference. May 31, 2010, is Memorial Day, and SOAH will be closed that day.

<sup>2</sup> The ALJ will set the post-hearing, briefing schedule after the hearing on the merits concludes.

**STATE OFFICE OF ADMINISTRATIVE HEARINGS****AUSTIN OFFICE****300 West 15th Street Suite 502****Austin, Texas 78701****Phone: (512) 475-4993****Fax: (512) 475-4994****SERVICE LIST****AGENCY:** Parks and Wildlife, Texas Department of (TPWD)**STYLE/CASE:** JOE LONG & MARK STEPHENSON**SOAH DOCKET NUMBER:** 802-09-4552**REFERRING AGENCY CASE:****STATE OFFICE OF ADMINISTRATIVE  
HEARINGS****ADMINISTRATIVE LAW JUDGE  
ALJ MICHAEL J. O'MALLEY****REPRESENTATIVE / ADDRESS****PARTIES**

ROBERT D SWEENEY  
 STAFF ATTORNEY  
 TEXAS PARKS AND WILDLIFE DEPARTMENT  
 4200 SMITH SCHOOL ROAD  
 AUSTIN, TX 78711  
 (512) 389-4433 (PH)  
 (512) 389-4482 (FAX)  
 robert.sweeney@tpwd.state.tx.us

TEXAS PARKS AND WILDLIFE DEPARTMENT

VIC RAMIREZ  
 ASSOCIATE GENERAL COUNSEL  
 LCRA  
 P.O. BOX 220  
 AUSTIN, TX 78767-0220  
 (512) 473-3200 (PH)  
 (512) 473-4010 (FAX)  
 vic.ramirez@lcra.org

LOWER COLORADO RIVER AUTHORITY

BRAD ROCKWELL  
ATTORNEY  
LOWERRE, FREDERICK, PERALES, ALLMON &  
ROCKWELL  
707 RIO GRANDE, SUITE 200  
AUSTIN, TX 78701  
(512) 469-6000 (PH)  
(512) 482-9346 (FAX)

AZAR MINERALS, L.L.C.

JOHN ROBINSON

CHARLES SHEPARD, III

SEAWILLOW GAY KELLEY

SEAWILLOW KATHLEEN SCHMIDT

LEO PERRON

---

DICK TERRELL BROWN  
ATTORNEY  
P. O. BOX 160575  
AUSTIN, TX 78716-0575  
(512) 330-9802 (PH)  
(512) 328-5112 (FAX)

MARK STEPHENSON

JOE LONG

---

CHARLES L. LACALLADE  
ATTORNEY  
P. O. BOX 1956  
KINGSLAND, TX 78639  
(325) 388-7100 (PH)  
(325) 388-7102 (FAX)

MARK STEPHENSON

JOE LONG

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cc: Docket Clerk, State Office of Administrative Hearings