

ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

IN THE MATTER OF C&H HOG)
FARMS, INC.)

DOCKET NO. 18-001-P
ORDER NO. 6

NOTICE OF HEARING

On Friday, February 9, 2018, a preliminary hearing was held between counsel for the Arkansas Department of Environmental Quality (ADEQ), counsel for C&H Hog Farms, Inc. (C&H), counsel for the Ozark Society, Inc., Dr. Alan Nye, Robert Cross, and Dr. David Peterson ("Ozark Intervenors") and counsel for the Buffalo River Watershed Alliance, Inc., the Arkansas Canoe Club, Gordon Watkins and Marti Olesen ("BRWA-Canoe Intervenors"). Various matters, including the establishment of a procedural schedule, were discussed at the hearing. The administrative law judge (ALJ) finds:

1. The parties are entitled to be present at the hearing, to be represented by counsel, and to present evidence and argument on all issues properly raised in this proceeding.

2. The testimony of all witnesses will be taken under oath.

3. The hearing will be recorded by a court reporter.

4. Discovery shall be completed no later than Friday, May 25, 2018. Discovery is to be asked and answered by this deadline. Therefore, interrogatories are to be submitted so that the responding party will have the time allotted under the Arkansas

Rules of Civil Procedure in which to answer by the discovery deadline date.

5. Motions are to be filed as soon as possible but no later than Friday, June 15, 2018. This deadline does not apply to a motion for summary judgment, which must be filed 45 days prior to trial. *Arkansas Rules of Civil Procedure, Rule 56(a)*.

6. Each party shall file with the Commission by Friday, July 20, 2018, an original and (1) copy of the following items and shall serve a copy on each other:

A. **WITNESS LIST.** A list of witnesses which shall include:
(i) The name and address of each witness who will be called to testify;
(ii) A summary of the testimony to be given by each witness;
(iii) If the witness is an expert, a summary of the expert's opinion testimony;
(iv) A separate statement by legal counsel of what is expected to be proven through each witness.

B. **EXHIBITS.** A list of the exhibits in the order they are reasonably anticipated to be introduced into evidence and the name of the witness that will sponsor the exhibit. **However, do not pre-number exhibits.** Exhibits will be numbered as they are introduced or stipulated to during the hearing.

C. **STIPULATION OF FACTS.** A list of uncontested facts and exhibits that the parties have agreed to stipulate to shall be provided before the hearing, if at all possible.

D. **PRE-HEARING BRIEFS.** A pre-hearing brief that sets forth:
(i) The issues of fact expected to be contested;
(ii) The issues of law expected to be contested;
(iii) A summary of the facts and law that support the party's position.

E. **SUMMARY JUDGMENT.** If any party files a motion for summary judgment, with a response filed by the non-moving party, the parties will not be required to file a pre-hearing brief.

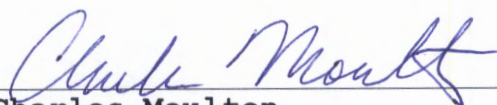
7. The parties are relieved from complying with the filing requirements in Paragraph 6 if the parties file a settlement or PAR by Friday, July 20, 2018.

8. A pre-hearing conference will not be held. If the parties desire to have a pre-hearing conference they are instructed to notify the Commission Secretary via email by Friday, February 16, 2018. If a pre-hearing conference is requested the ALJ will be responsible for arranging a date and time for the conference, and calling the parties.

9. A hearing is scheduled for Monday-Wednesday, August 6, 7 and 8, 2018 at 9:00 a.m. It will be held in the Commission Room located at the Arkansas Department of Environmental Quality, 5301 Northshore Dr., North Little Rock, Arkansas.

IT IS SO ORDERED

This 9th day of February 2018



Charles Moulton
Administrative Law Judge

CERTIFICATE OF SERVICE

I, Patricia Goff, Commission Secretary, hereby certify that a copy of the foregoing Order No. 6, In the Matter of C&H Hog Farms, Inc.; Docket No. 18-001-P, has been mailed by certified mail or by first class mail, postage prepaid, to the following parties of record, this 9th day of February 2018.

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