

**MISSOURI DEPARTMENT OF NATURAL RESOURCES
LAND RECLAMATION COMMISSION**

In the Matter of:)	
)	
BUILDEX, INC.,)	LRP Permit No. 0387
New Market Plant Site)	Proceeding Under
Platte County, Missouri)	The Land Reclamation Act,
Permit Expansion Application)	Sections 444.760 through 444.790,
)	RSMo.
CONCERNED CITIZENS)	
OF PLATTE COUNTY,)	
ALAN & PAULA WEBB,)	
KARI KNABE,)	
SUSAN BROWN,)	
JERALD & LORENE FANSHER,)	
)	
Petitioners,)	
)	
v.)	
)	
LEEANE TIPPETT-MOSBY,)	
Acting Staff Director,)	
Land Reclamation Program,)	
Division of Environmental Quality,)	
Respondent,)	
)	
BUILDEX, INC,)	
Applicant,)	
)	
)	

ORDER DENYING MOTION FOR PROTECTIVE ORDER

Upon review of Petitioners’ Motion for Protective Order and Applicant’s Response, the following Order is entered.

1. Discovery propounded by Applicant to Petitioners in the form of a set of five Interrogatories is not intended to harass or annoy Petitioners, nor does the discovery place an undue burden on Petitioners.
2. Discovery propounded by Applicant is relevant for Applicant to determine the necessity to defend against allegations of defects in the application process for the present permit expansion application.

3. Motion for Protective Order is denied. Petitioners, on or before June 15, 2009, shall provide complete answers to Applicant's Interrogatories; or in the alternative, Petitioners may file an Amended Statement of the Case setting out what allegations, if any, Petitioners plan to make regarding the completeness of Buildex's permit application and/or Buildex's compliance with the public notice provisions of the Land Reclamation Act and its accompanying regulations.

Certificate of Service

I hereby certify that a copy of the foregoing has been sent as an email attachment on this 17th day May of 2009, to:

Charles F. Speer & Tammy R. Dodson, Speer Law Firm, PC, Attorneys for Petitioners,
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Kara Valentine, Assistant Attorney General, Attorney for Respondent,
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Leann Tippett-Mosby, DNR – leann.tippitt.mosby@dnr.mo.gov
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SO ORDERED May 17, 2009.

MISSOURI DEPARTMENT OF NATURAL RESOURCES



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