

Exchange Procedure

1. Exhibits. Each party shall file with the Hearing Officer the original of all exhibits to be used in its case in chief and serve a copy upon opposing counsels and Pro Se Petitioners. Exhibits shall be filed in hardcopy, not as email attachments. Documents which establish uncontested material facts are to be filed with the Hearing Officer and served upon opposing counsels and Pro Set Petitioners, but need not be numbered or lettered for identification purposes. The Hearing Officer will mark them for identification as they relate to a given uncontested material fact or facts and will provide a detail listing to all parties.

Applicant's Exhibits shall be marked with the abbreviation AP and numbers beginning with the number 1 in sequence; that is AP-1, AP-2 etc.

Respondent's Exhibits shall be marked with the abbreviation RP and numbers beginning with the number 1 in sequence; that is RP-1, RP-2 etc.

Petitioners' Exhibits shall be marked with the last name of the given Petitioner and letters beginning with the letter A in sequence; that is for example, Earls – A; Earls – B, etc.; Cox – A, Cox – B and so on for each Petitioner tendering exhibits to establish their claims. For any exhibits that will be used by all Petitioners, those exhibits are to be marked by the abbreviation PR and letters beginning with the letter A in sequence; that is PR-A, PR-B etc.

Exhibits filed with the Hearing Officer and retained by the Land Reclamation Commission are to be no larger than 8½ by 11 inches, although for purposes of demonstration at the hearing, the parties may use larger copies of the submitted exhibits. Exhibits which consist of photographs must be affixed to or copied on 8½ by 11 inch

paper, and each photograph must be identified in a brief statement on the face or back of the exhibit setting forth the date on which the photograph was taken, person who took the photograph and what the photograph purports to represent.

2. Written Direct Testimony. Each party shall file with the Commission the original of written direct testimony of each witness expected to be called for the party's case in chief, and serve a copy upon opposing counsel and Pro Se Petitioners. Written direct testimony shall be filed in hardcopy, not as email attachments. Written direct testimony shall be in a question and answer form with each question numbered sequentially, typed on 8½ by 11 inch paper, pages to be numbered.

The Hearing Officer will place identifying letters/numbers on the written direct testimony and provide to all parties a list of the written direct testimony with the identifying letters/numbers. Written direct testimony must be as complete and accurate as if it were oral testimony. A witness testifying as to a prefiled exhibit shall provide testimony to lay the necessary foundation for the admission of the proffered exhibit.

3. Objections and Rebuttal Exhibits. Objections to opposing party's introduction of exhibits and written direct testimony, and rebuttal exhibits shall be filed with the Hearing Officer. A copy of said objections and/or rebuttal exhibits shall be served upon opposing counsel and Pro Se Petitioners. No written testimony for rebuttal exhibit is required to be filed, but the party who will testify to lay the foundation for the rebuttal exhibit must be identified when a rebuttal exhibit is filed.

4. Responses to Objections and Surrebuttal Exhibits. Responses to objections and surrebuttal exhibits shall be filed with the Hearing Officer. A copy of said responses to objections and/or surrebuttal exhibits shall be served upon opposing counsel

and Pro Se Petitioners. No written testimony for surrebuttal exhibit is required to be filed, but the party who will testify to lay the foundation for the surrebuttal exhibit must be identified when a surrebuttal exhibit is filed.

5. Procedure at the Formal Public Hearing. At the Formal Public Hearing, the witnesses for a party's case in chief will be presented and after being sworn in shall identify the written direct testimony they have prepared. Witnesses will be permitted to testify as to necessary corrections in their testimony, before being tendered for cross-examination, following cross-examination opportunity will be given for redirect testimony.

SO ORDERED: February ____, 2014.

MISSOURI DEPARTMENT OF NATURAL RESOURCES

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Certification of Service

I hereby certify a copy of foregoing has been sent via email this 24th day of December, 2013, to:

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A handwritten signature in black ink, appearing to read "W. B. Tichenor". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

W. B. Tichenor
DNR – Hearing Officer