

BEFORE THE ENVIRONMENTAL REVIEW APPEALS COMMISSION
STATE OF OHIO

[REDACTED]

Appellant

v.

[REDACTED]

Appellee

Case No. [REDACTED]

Issued: [REDACTED]

NOTICE AND ORDER FOR JOINT RESPONSE

As the above-referenced matter was filed before April 15, 2008, notice is hereby given that to comply with the amendments to Ohio Revised Code ("R.C.") 3745.05(F), adopted by Am. Sub. H.B. 1, the de novo hearing before the Commission will commence on September 14, 2009 at 1:45 P.M. Any prehearing/status conference, de novo hearing, or oral argument previously scheduled is cancelled.

To accommodate all appeals for which R.C. 3745.05(F)(1) mandates that the Commission issue a written order affirming, vacating, or modifying the action appealed from no later than December 15, 2009, the de novo hearing will be limited to 1 hour, divided equally among the parties. Due to the deadlines imposed by the amendment to R.C. 3745.05(F), no discovery or dispositive motions (including motions for summary judgment, motions for summary affirmance, or motions to dismiss), requests for continuance of the hearing date, or any extensions of applicable deadlines will be considered or ruled upon by the Commission. Additionally, no oral arguments, prehearing conferences, or status conferences will be scheduled.

The parties are hereby ordered to file, on or before August 25, 2009, a joint report confirming that the parties are prepared to proceed to a de novo hearing on the

above-referenced date.

The complete certified record must be filed with the Commission 10 days before the scheduled hearing.

All parties shall file a case summary at least 5 days in advance of the scheduled hearing. The case summary shall not exceed 5 pages and shall contain the assignments of error presented for review, a statement of facts relevant to the assignments of error, with appropriate references to the record, and citations to all pertinent authorities, case law, statutes, and regulations relied upon.

All parties shall file proposed Findings of Fact and Conclusions of Law no later than 5 business days following the de novo hearing. Parties also shall provide the Commission with a CD-Rom containing the proposed Findings of Fact and Conclusions of Law, which shall be labeled with the case caption, date of de novo hearing, and the name, address, and telephone number of counsel of record.

Failure of any party to be prepared and appear at the scheduled hearing will result in an adverse finding against that party.

Entered in the Case File of the Commission this 18th day of Aug., 2009.


THE ENVIRONMENTAL REVIEW
APPEALS COMMISSION



Lisa L. Eschleman, Chair

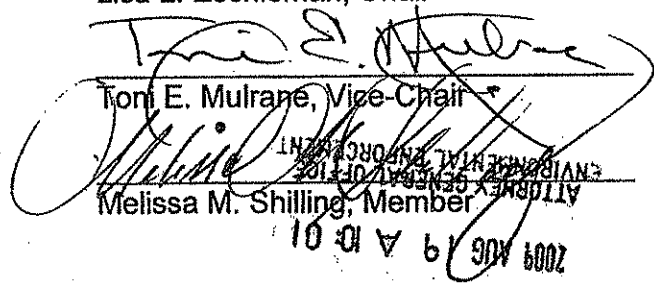


Tom E. Mulrane, Vice-Chair



Melissa M. Shilling, Member

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