

STATE OF NEW YORK : DEPARTMENT OF ENVIRONMENTAL CONSERVATION

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In the Matter of Alleged Violations of  
Environmental Conservation Law Article 25  
and Part 661 of the Official Compilation of  
Codes, Rules and Regulations of the State of  
New York by

Supplemental Ruling  
of the Administrative Law Judge  
on Respondents' Motion to Dismiss/Compel  
and Staff's Cross-Motion to Dismiss  
Affirmative Defenses and for Protective  
Order

**KENNETH GAUL and RICHARD  
WIEDERSUM, individually and d/b/a KEN-  
RICH, a New York Partnership, and d/b/a  
KEN-RICH CORPORATION,**

Case No. R1-20080313-52

Respondents.

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By letter dated January 16, 2009, Assistant Regional Attorney Susan H. Schindler notified me of a necessary correction to my ruling of January 12, 2009 pertaining to an issue of discovery. Specifically, Ms. Schindler noted that I had misidentified respondents' document request # 18 by confusing it with #17. Document request #18 asks for:

Unredacted copies of any document forwarded by Charles T. Hamilton to any other person, agency, department, municipal or other local government, or board of trustees with regard to the construction of residences within the Incorporated Village of Westhampton Dunes, New York, or relating to the issue of the Village of Westhampton Dunes asserting jurisdiction over lands believed to be under the ownership of the Town of Southampton, or of the Trustees of the Freeholders and Commonalty of the Town of Southampton, during the period January 1, 2003 through present date, inclusive.

Ms. Schindler is correct that I had mistakenly identified this document request.

Consistent with my rulings regarding document request numbers 12 and 13-15, I deny the respondents' motion to compel the product of records responsive to document request number 18 and grant staff's motion for a protective order on these documents.

CONCLUSION

I correct my ruling of January 12, 2009 with respect to respondents' document request number 18. I deny the respondents' motion to compel production of records responsive to document request number 18 and grant staff's motion for a protective order with respect to these records.

Dated: January 21, 2009  
Albany, New York

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Helene G. Goldberger  
Administrative Law Judge