

**STATE OF NEW YORK
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

In the Matter of the Alleged Violations of Article 17 of the Environmental Conservation Law (ECL) and Parts 701 and 703 of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (6 NYCRR),

- by -

**U.S. ENERGY DEVELOPMENT
CORPORATION,**

Respondent.

**RULING OF THE CHIEF
ADMINISTRATIVE LAW
JUDGE FURTHER
AMENDING DISCOVERY
SCHEDULE**

DEC File No.
R9-20111104-150

February 12, 2014

Appearances of Counsel:

-- Edward F. McTiernan, Deputy Commissioner and General Counsel (Maureen A. Brady, Regional Attorney, of counsel), for staff of the Department of Environmental Conservation

-- Hodgson Russ LLP (Daniel A. Spitzer and Charles W. Malcomb of counsel), for respondent U.S. Energy Development Corporation

-- Elaine H. Bartley, Senior Counsel, for the New York State Office of Parks, Recreation, and Historic Preservation

RULING OF THE CHIEF ADMINISTRATIVE LAW JUDGE
FURTHER AMENDING DISCOVERY SCHEDULE

By ruling dated December 31, 2013, I issued a modified discovery schedule in the above referenced matter. By letter dated February 11, 2014, counsel for respondent U.S. Energy Development Corporation informs me that the parties have agreed to further amendments to the schedule. Accordingly, based upon the consent of the parties, it is hereby ordered that the discovery schedule established for this proceeding in the December 31, 2013, ruling is modified as follows:

(1) All discovery responses to all demands between the parties (respondent and Department staff) are due by March 28, 2014.

(2) Respondent shall serve discovery demands and subpoenas directly on New York State Office of Parks, Recreation, and Historic Preservation (Parks) where it seeks discovery from Parks, in accordance with all applicable rules including, but not limited to, ECL 3-0301(2)(h) and 6 NYCRR 622.7(b).

(3) Respondent's motion for issuance of subpoenas duces tecum shall be served by January 15, 2014. Responses, if any, by Department staff and Parks staff shall be served within ten (10) days after service of respondent's motion.

(4) Respondent's motion for leave to conduct depositions, including those in connection with the issuance of subpoenas ad testificandum, shall be served by April 14, 2014. Responses, if any, by Department staff and Parks staff shall be served within ten (10) days after service of respondent's motion.

(5) The parties shall disclose expert witnesses by July 1, 2014.

/s/

James T. McClymonds
Chief Administrative Law Judge

Dated: February 12, 2014
Albany, New York