

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

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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.

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

DEC File No.  
R9-20111104-150

December 31, 2013

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

RULING OF THE CHIEF ADMINISTRATIVE LAW JUDGE  
AMENDING DISCOVERY SCHEDULE

By ruling dated December 11, 2013, I directed the parties to the above referenced matter to settle modifications to the discovery schedule approved in that ruling, or submit proposed schedules for my review. By letter December 23, 2013, respondent U.S. Energy Development Corporation (respondent) submitted a proposed schedule for the filing of motions for issuance of subpoenas duces tecum and for leave to conduct depositions. Staff of the Department of Environmental Conservation (Department) does not object to the proposed schedule, but does request adequate time to respond to any motions filed by respondent.

Accordingly, it is hereby ordered that the discovery schedule established for this proceeding in the December 11, 2013, ruling is modified as follows:

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

/s/

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James T. McClymonds  
Chief Administrative Law Judge

Dated: December 31, 2013  
Albany, New York