

Environmental Court of Vermont
State of Vermont

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E N T R Y R E G A R D I N G M O T I O N

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JLD Prop. Wal*Mart Act 250 LU Permit (Altered), Docket No. 116-6-08 Vtec
Project: Wal-Mart St. Albans
Applicant: JLD Properties
(Appeal from a determination by the District #7 Environmental Commission)

Title: Motion for Protective Order, No. 1

Filed: September 15, 2008

Filed By: John H. Hasen, Attorney for NRB Land Use Panel.

Response filed on 09/25/08 by Appellant VNRC.

 X Granted Denied Other
 Scheduled for hearing on: at ; Time Allotted

For all the reasons more specifically provided in the Entry Order concerning NRB's motion to dismiss Appellant's Question 1, this Entry Order is hereby issued to protect and prohibit all parties from making discovery requests that are not relevant to the remaining issues that have been preserved for our review by the pending Statements of Questions. This Order shall not prohibit discovery requests seeking information that may not be admissible under the Vermont Rules of Evidence, so long as such discovery requests "appear[] reasonably calculated to lead to the discovery of admissible evidence." V.R.C.P. 26(a) (1).

This protective order is specifically issued to prohibit the solicitation from the District #7 Commission Chair of responses to any discovery requests not germane to the Questions remaining in Appellants' Statement of Questions, as such discovery has not been shown to be relevant to the issues preserved for our review in this appeal. Such discovery is therefore not to be had. V.R.C.P. 26(c) (1).

Thomas S. Durkin, Judge

October 10, 2008
Date

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Date copies sent to: _____ Clerk's Initials _____

Copies sent to:
(See attached service list)

Attorney Jon Groveman for Appellant Vt. Natural Resources Council
Attorney Jon Groveman for Appellant NW Cit. for Responsible Growth
Attorney Jon Groveman for Appellant Marie Frey
Attorney Jon Groveman for Appellant Richard Hudak
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Attorney Stewart H. McConaughy for Appellee JLD Properties
Co-Counsel for Appellee Robert F. O'Neill
Attorney David A. Barra for Interested Person Town of St. Albans
Attorney Brian S. Dunkiel for Cross Appellant City of St. Albans
Attorney Jon T. Anderson for Cross Appellant Commons Associates
Attorney John H. Hasen for Natural Resources Board Land Use Panel
Attorney Judith L. Dillon for Cross Appellant Agency of Natural Resources
Attorney Trevor R. Lewis for the Vt. Agency of Transportation
Attorney Mark L. Lucas for Natural Resource Board Water Resources Panel,
(FYI purposes only)