

STATE OF VERMONT

SUPERIOR COURT
Environmental Division Unit

ENVIRONMENTAL DIVISION
Docket Nos. 6-1-11 Vtec, 102-6-09 Vtec &
101-6-09 Vtec

ANR v Bacon d/b/a Bacon Timber Harvest

ENTRY REGARDING MOTION

Title: Motion in Limine (Motion 11)
Filer: Agency of Natural Resources
Attorney: John S. Zaikowski
Filed Date: February 4, 2016

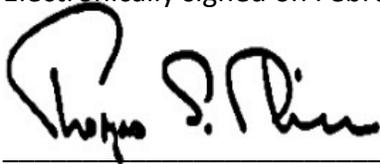
Response filed verbally during Feb. 8, 2016 hearing.

Due to Respondents' repeated failures to respond to the Agency of Natural Resources' ("ANR") reasonable discovery requests, including after repeated directives by this Court to do so and notice by the Court that such further failures would result in the Respondents being limited in their presentation of evidence in response to ANR's Motion to Show Cause and find Respondents in Contempt, which motion has been pending and awaiting hearing since April 26, 2015, the Court does hereby **GRANT** ANR's pending motion.

By this Order, the Court does hereby prohibit Respondents from offering into evidence any of the materials or explanations that have not been disclosed to ANR in response to ANR's discovery requests, itemized as Nos. 1 through 13, inclusive, in this Court's Order Compelling Discovery Responses, filed October 28, 2015.

So ordered.

Electronically signed on February 09, 2016 at Burlington, Vermont, pursuant to V.R.E.F. 7(d).



Thomas S. Durkin, Judge
Environmental Division

Notifications:

John S. Zaikowski (ERN 4276), Attorney for Petitioner Agency of Natural Resources
Jason J. Sawyer (ERN 4192), Attorney for Respondents Ken Bacon, Sr. and Ken Bacon, Jr.