



COMMONWEALTH OF PENNSYLVANIA
ENVIRONMENTAL HEARING BOARD

[APPELLANT NAME]	:	
	:	
v.	:	EHB Docket No. 2025-000-X
	:	
COMMONWEALTH OF PENNSYLVANIA,	:	
DEPARTMENT OF ENVIRONMENTAL	:	
PROTECTION	:	

PRE-HEARING ORDER NO. 2
SCHEDULING A HEARING AND FILING OF PRE-HEARING MEMORANDA

AND NOW, this [] day of [], 2025, a hearing in the above matter is scheduled before the **Honorable** [] beginning at [:] a.m. on [], **2025**. Unless otherwise instructed, the hearing will be conducted at the Board’s [city] Facility, [building], [floor/suite], [address], Pennsylvania, [zip code].

To assure the orderly conduct of the hearing, it is ordered that:

1. The [party with the burden of proof] shall file on or before [], **2025**, a pre-hearing memorandum, which shall contain the following:
 - A. A statement of the facts in dispute and the facts upon which the parties agree.
 - B. A statement of the legal issues in dispute, including citations to statutes, regulations, and case law supporting the party’s position.
 - C. A description of scientific tests upon which the party will rely and a statement indicating whether an opposing party will object to their use.
 - D. A list of all expert witnesses and indicate whether their qualifications will be challenged.
 - E. For each expert witness a party intends to call at the hearing, answers to expert interrogatories and a copy of any expert report provided under § 1021.101(a)(2) (relating to prehearing procedure). In the absence of answers to the expert interrogatories or an expert report, a summary of the testimony of each expert witness.
 - F. A list of fact witnesses which each party intends to call. The list shall include the full name and address of each witness.

G. The proposed order of witnesses.

H. A list of the exhibits the party seeks to introduce into evidence and a statement indicating whether the opposing party will object to their introduction. Copies of these exhibits shall be attached. All documentary evidence shall be numbered and marked in order to allow for expeditious offering into evidence.

I. Signed copies of any stipulations reached by the parties.

2. The [opposing party] shall file its pre-hearing memorandum on or before [], 2025, which shall contain a reply to the pre-hearing memorandum of the [party with the burden of proof] as set forth in No. 1 above.

3. Motions *in Limine*, if any, and supporting briefs shall be filed and served on or before [], 2025. Responses to Motions *in Limine* and supporting briefs shall be filed and served on or before [], 2025.

4. The parties shall meet prior to the hearing to stipulate to all facts not in dispute. The factual stipulation must be filed with the Board 5 days before the hearing date.

5. A party may be deemed to have abandoned all contentions of law or facts not set forth in its pre-hearing memorandum. The Board may enter other appropriate sanctions against a party failing to observe the provisions of Nos. 1 and 2 above.

6. Each party shall serve a copy of its pre-hearing memorandum on all other parties or their counsel and shall indicate in its pre-hearing memorandum that it has done so.

7. The parties shall participate in a pre-hearing conference conducted by telephone at [:] a.m. on [], 2025. The Board will provide the parties with the dial-in information prior to the call.

8. Any request for continuance, or for extending any filing deadline, must be made as a formal motion, pursuant to 25 Pa. Code § 1021.92, except when opposing counsel consent to the continuance or extension. When there is such consent, the request may be embodied in an informal letter, provided the letter indicates the consent of opposing counsel. Requests for extensions or continuances, whether in letter or motion form, shall contain a specific date for the extension or continuance.

9. Any party desiring to respond to a petition or motion must do so within the time set forth in 25 Pa. Code §§ 1021.91 - 1021.95, unless otherwise ordered. A party will be deemed to have waived the right to contest any motion or petition to which a timely response has not been filed. The Board will not notify the parties that a response may be due.

ENVIRONMENTAL HEARING BOARD

s/

[NAME OF JUDGE]
Judge

DATED: [], 2025

c: For the Commonwealth of PA, DEP:
[], Esquire
(via electronic filing system)

For Appellant:
[], Esquire
(via electronic filing system)

Court Reporter:
[]
(via electronic mail)