

**BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS
WEST VIRGINIA DEPARTMENT OF TRANSPORTATION
AT CHARLESTON, KANAWHA COUNTY WEST VIRGINIA**

**STANDING MEMORANDA ORDER GOVERNING UNTIMELY SUBMISSIONS OF WRITTEN
OBJECTIONS AND PROPOSED PREHEARING EVIDENTIARY SUBMISSIONS**

It is **hereby ORDERED** that the **Petitioner** shall comply with the following directive. All written objections must be timely filed in compliance with WV CSR 105-1-7.2. In the event a written objection is not in such compliance, it will be rejected for filing and returned to the Petitioner or Petitioner's Counsel, if the Petitioner has legal representation. In the event Petitioner is represented by Counsel and such Counsel has submitted the written objection on behalf of the Petitioner, the written objection shall be in compliance with WV CSR 105-1-7 and all its subparts or, at the discretion of this Administrative Tribunal, it may not be considered until such time as the written objection is appropriately completed. In no event may the time period be extended to complete and refile a written objection more than ten (10) days from the date of receipt of an incomplete written objection by the OAH. Untimely written objections shall not be considered whether or not the Petitioner is represented by legal counsel and shall be returned as untimely. Written Objections are untimely *if they are made prior to the issuance of the appealable order or are made beyond the deadline* required by West Virginia Code § 17C-5A-2(a).

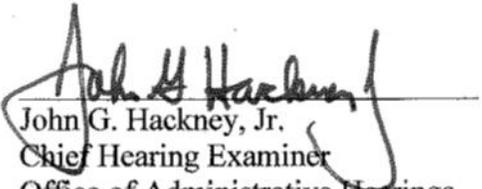
It is further ORDERED that all Parties to this matter shall comply with the following directive. All proposed prehearing evidentiary submissions shall be made by motion only and shall comply with WV CSR 1 *et seq.*, particularly 105-1-4 and its subparts, 105-1-6 and its subparts, and 105-1-12 and its subparts. In the event proposed prehearing evidentiary submissions are attempted to be made by other than motion and/or are not in compliance with the referenced Legislative Rules, they *will be rejected for filing in the record* and returned to the party who submitted them. This directive applies whether or not a party is represented by counsel.

In the event a written objection or prehearing evidentiary submission is rejected for filing in accordance with the requirements of this Order, the same will be returned to the appropriate party or his or her counsel.

The Clerk is hereby **DIRECTED** to provide a copy of this Standing Memoranda Order to the Petitioner, the Respondent and all Counsel of Record.

Entered this 19th day of December, 2013.

ENTER:


John G. Hackney, Jr.
Chief Hearing Examiner
Office of Administrative Hearings