

## Mary Gebhart

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**From:** Hatfield, Charles <chuck.hatfield@stinson.com>  
**Sent:** Thursday, August 31, 2023 8:59 AM  
**To:** Josh Douglass  
**Cc:** 'Pearson, Lowell'; Cossette, Alixandra S.; Barton, Allee; Doerhoff, Stephen  
**Subject:** RE: Delta--call?

Just tried to call you. I'm at my desk. 573-636-6827.

### Charles W. Hatfield

Partner

STINSON LLP  
230 W. McCarty Street  
Jefferson City, MO 65101-1553  
Direct: 573.636.6827 \ Mobile: 573.230.2610 \ [Bio](#)

Assistant: [STL.LSSTeam10@stinson.com](mailto:STL.LSSTeam10@stinson.com) \ 314.345.7040

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**From:** Josh Douglass <jdouglass@mickesotoole.com>  
**Sent:** Thursday, August 31, 2023 8:27 AM  
**To:** Hatfield, Charles <chuck.hatfield@stinson.com>  
**Cc:** 'Pearson, Lowell' <Lowell.Pearson@huschblackwell.com>; Cossette, Alixandra S. <alix.cossette@stinson.com>; Barton, Allee <Allee.Barton@huschblackwell.com>; Doerhoff, Stephen <Stephen.Doerhoff@health.mo.gov>  
**Subject:** RE: Delta--call?

### External Email – Use Caution

Good morning,

I'll need to get with DHSS to discuss this morning. I don't have authority at this time.

DHSS may have more questions, but it would help to know the following:

In lieu of 3 depositions, would you agree to a Zoom deposition with the 3 topics identified in the last paragraph of the order?

Would you agree to not initiate additional administrative or judicial actions against DHSS while 23-0608 is pending at the AHC?

How long are you wanting to push back the effective date of the revocation?

**From:** Hatfield, Charles <chuck.hatfield@stinson.com>  
**Sent:** Wednesday, August 30, 2023 5:23 PM  
**To:** Josh Douglass <jdouglass@mickesotoole.com>  
**Cc:** 'Pearson, Lowell' <Lowell.Pearson@huschblackwell.com>; Cossette, Alixandra S. <alix.cossette@stinson.com>; Barton, Allee <Allee.Barton@huschblackwell.com>; Doerhoff, Stephen <Stephen.Doerhoff@health.mo.gov>  
**Subject:** RE: Delta--call?

Josh, when could you talk? We may be able to agree to a continuance if:

<b>EXHIBIT</b> <b>A</b>
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1. The commissioner can accommodate us at the end of September
2. We could have an agreement that you will produce witnesses for deposition on dates certain (we can negotiate how many).
3. We could have an agreement that you will get us documents on a date certain (we can negotiate how many).
4. We can have an agreement to push back the effective date of the revocation order. We did not discuss this previously, but one of our concerns is that the revocation appears to be effective on September the 11<sup>th</sup>. Given the suspension and the denial of the stay, Delta is not able to operate and cannot operate until that suspension is lifted (either by the department of the AHC). In light of that, I don't see the need for the quick revocation date. On the other hand, if the revocation date stands, my client needs to get before the Commission concerning the revocation as quickly as possible.

These are the things I would like to discuss and see if we can get agreement.

**Charles W. Hatfield**

Partner

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**From:** Hatfield, Charles

**Sent:** Wednesday, August 30, 2023 4:48 PM

**To:** 'Josh Douglass' <[jdouglass@mickesotoole.com](mailto:jdouglass@mickesotoole.com)>

**Cc:** 'Pearson, Lowell' <[Lowell.Pearson@huschblackwell.com](mailto:Lowell.Pearson@huschblackwell.com)>; Cossette, Alixandra S. <[alix.cossette@stinson.com](mailto:alix.cossette@stinson.com)>

**Subject:** Delta--call?

Just left you a message. Could we hop on a call to discuss scheduling?

I'm going to ask that you and I get on a call with Commissioner Iles to see what dates she might have available if she were to continue the hearing.

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## Mary Gebhart

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**From:** Hatfield, Charles <chuck.hatfield@stinson.com>  
**Sent:** Friday, September 1, 2023 8:22 AM  
**To:** Josh Douglass  
**Cc:** Mary Gebhart; Cossette, Alixandra S.; allee.barton@huschblackwell.com; lowell.pearson@huschblackwell.com; Barrett, Alexander C.; Bethany Kirk  
**Subject:** RE: 23-0608: Delta Extraction, LLC v. Department of Health and Senior Services / Hearing Notice

I have reviewed my notes and talked with Alix (who you will recall was on the call you reference). We will issue notices for deposition for Amy, Brittany, and Heather. We will be flexible on date and location. I believe this is not inconsistent with our discussion yesterday. If you think it is, I'm happy to address the issue with the Commission.

### Charles W. Hatfield

Partner

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**From:** Josh Douglass <jdouglass@mickesotoole.com>  
**Sent:** Thursday, August 31, 2023 9:26 PM  
**To:** Hatfield, Charles <chuck.hatfield@stinson.com>  
**Cc:** Mary Gebhart <mgebhart@mickesotoole.com>; Cossette, Alixandra S. <alix.cossette@stinson.com>; allee.barton@huschblackwell.com; lowell.pearson@huschblackwell.com; Barrett, Alexander C. <alexander.barrett@stinson.com>; Bethany Kirk <bkirk@mickesotoole.com>  
**Subject:** Re: 23-0608: Delta Extraction, LLC v. Department of Health and Senior Services / Hearing Notice

In our call at 11:30 today, we reached an agreement on discovery set out below at your urgent request. Our agreement induced my position on the motion for protective order. I agreed to produce Amy and Brittany the week of September 18 if you agreed not to depose Heather. Are you rescinding our agreement?

On Aug 31, 2023, at 4:52 PM, Hatfield, Charles <[chuck.hatfield@stinson.com](mailto:chuck.hatfield@stinson.com)> wrote:

Thanks.

3. We agree that the parties will indicate if documents are being withheld. The 15<sup>th</sup> seems reasonable, but we haven't seen your document requests yet, so can't agree in a vacuum. We may need some additional documents from you related to the recall.

4. We will want to depose heather B. as well but can limit her to 4 hours as well. 920 Wildwood is fine. Please have them hold 9/20 as the actual date for the deposition subject to me conferring with the rest of my team.

5. If you want Jack Maritz, we would like to do that in the Stinson office in Clayton. Depending on what other witness you want, we may want to do it in St. Louis. We can be flexible on the day subject to witness availability.

**Charles W. Hatfield**

Partner

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**From:** Josh Douglass <[jdouglass@mickesotoole.com](mailto:jdouglass@mickesotoole.com)>

**Sent:** Thursday, August 31, 2023 4:42 PM

**To:** Hatfield, Charles <[chuck.hatfield@stinson.com](mailto:chuck.hatfield@stinson.com)>; Mary Gebhart <[mgebhart@mickesotoole.com](mailto:mgebhart@mickesotoole.com)>; Cossette, Alixandra S. <[alix.cossette@stinson.com](mailto:alix.cossette@stinson.com)>; 'allee.barton@huschblackwell.com' <[allee.barton@huschblackwell.com](mailto:allee.barton@huschblackwell.com)>; 'lowell.pearson@huschblackwell.com' <[lowell.pearson@huschblackwell.com](mailto:lowell.pearson@huschblackwell.com)>; Barrett, Alexander C. <[alexander.barrett@stinson.com](mailto:alexander.barrett@stinson.com)>; Bethany Kirk <[bkirk@mickesotoole.com](mailto:bkirk@mickesotoole.com)>

**Subject:** RE: 23-0608: Delta Extraction, LLC v. Department of Health and Senior Services / Hearing Notice

**External Email – Use Caution**

Per our conversation, here's what we are planning on re: discovery. Let me know if I missed something:

1. We will get you a limited number of doc requests by cob tomorrow.
2. We will respond to the document request you sent us yesterday.
3. The parties will exchange responsive documents on or before September 15.
  1. Will you agree that the parties will indicate if documents are being withheld?
4. Depositions of Amy and Brittany will occur the week of September 18 on the same day at 4 hours apiece.
  1. As of right now, the only conflict I'm aware of is 9/21. Let me know what day you prefer? We would like to produce Amy and Brittany at 920 Wildwood.
5. We will depose two Delta Extraction individuals within the same time parameters (one day, four hours unless you prefer otherwise) and will identify the two witnesses on Monday, 9/4. Your office is fine or we can provide a location, whichever you prefer.

**From:** Burgess, Carol <[Carol.Burgess@oa.mo.gov](mailto:Carol.Burgess@oa.mo.gov)>

**Sent:** Thursday, August 31, 2023 4:11 PM

**To:** 'Hatfield, Charles' <[chuck.hatfield@stinson.com](mailto:chuck.hatfield@stinson.com)>; Josh Douglass <[jdouglass@mickesotoole.com](mailto:jdouglass@mickesotoole.com)>; Mary Gebhart <[mgebhart@mickesotoole.com](mailto:mgebhart@mickesotoole.com)>; Cossette, Alixandra S. <[alix.cossette@stinson.com](mailto:alix.cossette@stinson.com)>; 'allee.barton@huschblackwell.com' <[allee.barton@huschblackwell.com](mailto:allee.barton@huschblackwell.com)>;

'lowell.pearson@huschblackwell.com' <lowell.pearson@huschblackwell.com>; Barrett, Alexander C. <alexander.barrett@stinson.com>

Cc: Colyer, Paula <Paula.Colyer@oa.mo.gov>

Subject: 23-0608: Delta Extraction, LLC v. Department of Health and Senior Services / Hearing Notice

Please see the attached order.

Thank you,  
Carol Burgess  
Administrative Hearing Commission  
Email: [Carol.Burgess@oa.mo.gov](mailto:Carol.Burgess@oa.mo.gov)  
Direct: 573-751-5016  
Main: 573-751-2422

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