

STATE OF MINNESOTA
COUNTY OF RAMSEY

DISTRICT COURT
SECOND JUDICIAL DISTRICT

Case Type: Civil Other/Misc.

In the Matter of the Denial of Contested Case
Hearing Requests and Issuance of National
Pollutant Discharge Elimination System/State
Disposal System Permit No. MN0071013 for
the Proposed NorthMet Project, St. Louis
County, Hoyt Lakes and Babbitt, Minnesota

Court File No. 62-CV-19-4626
Judge John H. Guthmann

**DECLARATION OF
ELISE L. LARSON
IN SUPPORT OF MOTION
FOR COURT TO REFUSE
HEARING ON MOTION FOR
PARTIAL SUMMARY JUDGMENT**

State of Minnesota)
) ss.
County of Ramsey)

I, Elise L. Larson, hereby declare as follows:

1. I am an attorney licensed in Minnesota and am employed by Minnesota Center for Environmental Advocacy (“MCEA”) as a Staff Attorney.

2. In the above-captioned matter, I represent Relators MCEA, Friends of the Boundary Waters Wilderness, and Center for Biological Diversity.

3. MCEA, Friends of the Boundary Waters Wilderness, Center for Biological Diversity, WaterLegacy and the Fond du Lac Band of Lake Superior Chippewa (collectively, “Relators”) are the Relators in the above-captioned matter.

4. Relators first learned that Respondent Minnesota Pollution Control Agency (“MPCA”) intended to submit a dispositive motion when it received the electronic submission on December 27, 2019; prior to December 27, 2018 MPCA never informed Relators it intended to

submit any dispositive motions. Relators were caught off guard by MPCA's Motion for Partial Summary Judgment.

5. After receiving the Motion for Partial Summary Judgment, Realtors reviewed the Minnesota Rules of General Practice and determined MPCA failed to file the Motion for Partial Summary Judgment in the time allotted.

6. MPCA's untimeliness has denied Relators the appropriate time to prepare. Relators must respond to Respondents motions in limine and objections, review the documents MPCA has yet to turn over as a result of the forensic search and other discovery disputes, amend their exhibits list subject to the forensic search and resolution of outstanding discovery disputes, submit and respond to motions in limine relating to the forensic search, submit pre-trial briefing to the Court, premark exhibits and prepare witnesses for trial, and otherwise finalize their trial plan in the 22 days before the evidentiary hearing is set to begin.

7. MPCA's failure to inform Relators or the Court that it intended to file a dispositive motion, coupled with the abbreviated timeline for all the motion practice that must be completed prior to the January 21, 2020 hearing, prejudices Relators.

I declare under penalty of perjury that everything that I have stated in this document is true and correct.

Dated: 12/30/2019

/s/ Elise Larson
ELISE LARSON