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 VANESSA L. RAY-HODGE

State of New Mexico)
) ss
Bernalillo County)

- I, Vanessa Ray-Hodge, hereby declare as follows:
- 1. I am an attorney licensed and in good standing in New Mexico, Oregon, Idaho, and the District of Columbia.
- 2. In the above-captioned matter, I represent Relator Fond du Lac Band of Lake Superior Chippewa ("the Band").
- 3. In my capacity as counsel for the Band, I participated in a call between Minnesota Information Technology ("MNIT") and the neutral forensic expert XACT on November 25, 2019.
- 4. During the call, MNIT informed XACT that the Minnesota Pollution Control Agency ("MPCA") had only retained one tablet for Shannon Lotthammer and one hard drive for Ann Foss, but had completely destroyed John Linc Stine's computer.
- 5. MNIT also told XACT that, in inspecting the shared drive, MPCA found backup files for Ms. Lotthammer and Mr. Stine, but Mr. Stine's backup file only contained one document. MPCA stated it had no backup files for Ms. Foss on the shared drive.

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6. MNIT explained several times that all this information had been destroyed because

there was not a litigation hold for any of the information.

7. Relators also learned that MPCA stored data on a storage area network ("SAN")

managed by a different technical team.

8. On November 26, 2019, I sent an email asking XACT to inquire with the SAN

technical team and answer certain questions regarding SAN's data storage.

9. On December 2, 2019, XACT responded to the email, informing Relators that the

SAN maintained data for 28 days and 2 full cycles.

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

and correct.

Dated: 12/27/2019

/s/ Vanessa L. Ray-Hodge

VANESSA L. RAY-HODGE

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