

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT  
Case Type: Civil Other/Misc.  
The Honorable John H. Guthmann

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

Case No. 62-CV-19-4626

**POLY MET MINING, INC.'S NOTICE  
OF MOTION AND MOTION IN  
LIMINE TO EXCLUDE TESTIMONY OF  
BRIAN BRANFIREUN, EMILY  
ONELLO, AND MARGARET SARACINO**

TO: Center for Biological Diversity, Friends of the Boundary Waters Wilderness, and Minnesota Center for Environmental Advocacy and their attorneys Elise Larson and Kevin Reuther, Minnesota Center for Environmental Advocacy, 1919 University Avenue West, St. Paul, MN 55101, William Pentelovitch, Margaret Brownell and Evan Nelson, Maslon LLP, 90 South Seventh Street, 3300 Wells Fargo Center, Minneapolis, MN 55402, and Daniel Poretti and Matthew Murphy, Nilan Johnson Lewis, P.A., 120 South Sixth Street, Suite 400, Minneapolis, MN 55402;

WaterLegacy and its attorney Paula Maccabee, Just Change Law Offices, 1961 Selby Avenue, St. Paul, MN 55104;

Fond Du Lac Band of Lake Superior Chippewa and its attorneys Sean Copeland, Fond Du Lac Band of Lake Superior Chippewa Legal Affairs Office, 1720 Big Lake Road, Cloquet, MN 55720, Vanessa Ray-Hodge, Sonosky, Chambers, Sachse, Mielke & Brownell, LLP, 500 Marquette Avenue N.W., Suite 660, Albuquerque, NM 87102, and Matthew Murdock, Sonosky, Chambers, Sachse, Endreson & Perry, LLP, 1425 K Street N.W., Suite 600, Washington, D.C., 20005; and

Minnesota Pollution Control Agency and its attorneys John Martin, Holland & Hart, LLP, P.O. Box 68, Jackson, WY 83001; Sarah Koniewicz, Holland & Hart, LLP, 1800 Broadway, Suite 300, Boulder, CO 80302; and Richard Schwartz, Crowell & Moring LLP, 1001 Pennsylvania Avenue NW, Washington, DC 20004.

PLEASE TAKE NOTICE that Poly Met Mining, Inc. (“PolyMet”) will bring the motion set forth below for hearing on January 21, 2020 at 9:00 a.m., or as soon thereafter as counsel may be heard before the Honorable Judge John H. Guthmann, Courtroom 1480 of the Ramsey County Courthouse, St. Paul, Minnesota.

PolyMet moves the Court for an order granting PolyMet’s Motion in Limine to Exclude Testimony of Brian Branfireun, Emily Onello, and Margaret Saracino. This motion is based on all the files, records and proceedings herein and upon the memorandum in support and declarations to be filed in accordance with Minnesota Rules of Civil Procedure and Minnesota General Rules of Practice – District Courts.

Dated: December 27, 2019

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s/ Monte A. Mills

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**ACKNOWLEDGMENT**

The undersigned hereby acknowledges that pursuant to Minn. Stat. § 549.211, Subd. 3, sanctions may be imposed if, after notice and a reasonable opportunity to respond, the Court determines that the undersigned has violated the provisions of Minn. Stat. § 549.211, Subd. 2.

s/ Monte A. Mills

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Monte A. Mills