

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

Case Type: Civil Other/Misc.

Court File No. 62-CV-19-4626

Judge 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.

**NOTICE OF MOTION PURSUANT TO
MINNESOTA RULE OF GENERAL
PRACTICE 115.04(d)**

TO: RESPONDENT MINNESOTA POLLUTION CONTROL AGENCY AND ITS ATTORNEYS OF RECORD, 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, and

RESPONDENT POLY MET MINING, INC. AND ITS ATTORNEYS OF RECORD, MONTE A. MILLS, DAVIDA S. MCGHEE, AND GREENE ESPEL PLLP, 222 SOUTH NINTH STREET, SUITE 2200, MINNEAPOLIS, MN 55402 AND KATHRYN A. KUSSKE FLOYD, KYLE W. ROBISH, JAY C. JOHNSON, VENABLE LLP, 600 MASSACHUSETTS AVENUE NW, WASHINGTON, DC 20001.

PLEASE TAKE NOTICE THAT, Relators WaterLegacy, Center for Biological Diversity, Friends of the Boundary Waters Wilderness, Minnesota Center for Environmental Advocacy, and Fond du Lac Band of Lake Superior Chippewa will move the Court on an expedited, informal process for an order compelling discovery responses from Minnesota Pollution Control Agency pursuant to Minnesota Rule of General Practice 115.04(d). Pursuant to this Rule, Relators have requested that the Court schedule an informal conference regarding this motion, and the Court has informed Relators that the Court will consider this issue at the previously-scheduled Pre-Hearing Conference on November 13, 2019. Relators have also been instructed by the Court to submit a letter detailing the basis for their motion on November 11, 2019.

Dated: November 8, 2019

MASLON LLP

/s/ Evan A. Nelson

WILLIAM Z. PENTELOVITCH (#0085078)
MARGARET S. BROWNELL (#0307324)
EVAN A. NELSON (#0398639)
90 South Seventh Street
3300 Wells Fargo Center
Minneapolis, MN 55402-4140
Phone: (612) 672-8200
Email: bill.pentelovitch@maslon.com
margo.brownell@maslon.com
evan.nelson@maslon.com

**MINNESOTA CENTER FOR
ENVIRONMENTAL ADVOCACY**

ELISE L. LARSON (#0393069)
KEVIN REUTHER (#0266255)
1919 University Avenue West
Saint Paul, MN 55105
Phone: (651) 223-5969
Email: elarson@mncenter.org
kreuther@mncenter.org

NILAN JOHNSON LEWIS, P.A.

DANIEL Q. PORETTI (#185152)
MATTHEW C. MURPHY (#0391948)
120 South Sixth Street, Suite 400
Minneapolis, MN 55402-4501
Phone: (612) 305-7500
Email: dporetti@nilanjohnson.com
mmurphy@nilanjohnson.com

*Attorneys for Relators Center for Biological
Diversity, Friends of the Boundary Waters
Wilderness, and Minnesota Center for
Environmental Advocacy*

JUST CHANGE LAW OFFICES

/s/ Paula G. Maccabee

PAULA G. MACCABEE (#0129550)
1961 Selby Avenue
Saint Paul, MN 55104
Phone: (651) 646-8890
Email: pmaccabee@justchangelaw.com

Attorney for Relator WaterLegacy

**FOND DU LAC BAND OF LAKE
SUPERIOR CHIPPEWA LEGAL
AFFAIRS OFFICE**

/s/ Sean Copeland

SEAN W. COPELAND (#0387142)
1720 Big Lake Road
Cloquet, MN 55720
Phone: (218) 878-2607
Email: seancopeland@fdlrez.com

**SONOSKY, CHAMBERS, SACHSE,
MIELKE & BROWNELL, LLP**

VANESSA L. RAY-HODGE (*pro hac vice*)
500 Marquette Avenue, NW, Suite 660
Albuquerque, NM 87102
Phone: (505) 247-0147
Email: vrayhodge@abqsonosky.com

MATTHEW L. MURDOCK (*pro hac vice*)
1425 K Street N.W., Suite 600
Washington, D.C. 20005
Phone: (202) 682-0240
Email: mmurdock@sonosky.com

*Attorneys for Relator Fond du Lac Band of
Lake Superior Chippewa*