

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

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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, Babbitt, Minnesota.

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Case Type: Civil Other  
File No.: 62-CV-19-4626  
Judge: John H. Guthmann

**ORDER PERMITTING THE USE  
OF STILL PHOTOGRAPHY,  
AUDIO RECORDING AND VIDEO  
RECORDING IN COURTROOM  
1480**

Pursuant to Chief Judge John H. Guthmann's February 17, 2017 Administrative Order entitled "Amended Order Regarding the Use of Electronic and Recording Devices in Court Facilities", Rule 4 of the Minnesota Rules of General Practice, and in response to several Rule 4.03(a) notices of intent to cover by photographic, audio, and video the hearing in the above-captioned matter, which begins at 9:00 a.m. on January 21, 2020, this court makes the following:

**FINDINGS OF FACT**

1. Prior to the execution of this Order, the following media organizations filed a written notice of intent to cover the scheduled hearing in the above-captioned matter by photographic, video, or audio means:

- a. Minneapolis Star Tribune (1/6/20) (still photography) c/o Jennifer Bjorhas
- b. MinnPost (1/9/20) (audio and still photography) c/o Walker Orenstein
- c. Minnesota Public Radio (MPR) (1/16/20) (audio) c/o Dan Kraker
- d. KSTP Television (1/16/20) (audio and video) c/o Daren Sukhram
- e. Duluth News-Tribune (1/16/20) (audio and still photography) c/o Jimmy Lovrien
- f. WCCO Television (1/16/20) (audio and video) c/o Guy Still

2. Notice to all parties was properly given. To the extent one or more of the notices was technically untimely, the court finds no prejudice to the parties because of other timely notices and the rule permitting the pooling of media. Minn. Gen. R. Prac. 4.04(a)(4).

3. The media organizations listed in paragraph 1 complied with all applicable rules and orders governing the use of recording devices during a scheduled civil hearing.

4. Relators and the MPCA do not object to any of the notices of intent. However, PolyMet filed an objection. The Minneapolis Star-Tribune and KSTP Television filed a written response to the objection.

5. PolyMet's objection included affidavits from Brad Moore and Christie Kearney objecting to any audio, video, or photography during their testimony.

All issues related to the media notices were considered by the court on the written record without a hearing. Based on all of the documents of record related to the notice of intent to cover the scheduled hearing:

**IT IS HEREBY ORDERED:**

1. Pursuant to Rule 4.02(c) of the Minnesota Rules of General Practice, and subject to the restrictions in this Order, still photography, video, and audio recording shall be allowed in Courtroom 1480 of the Ramsey County Courthouse during the entire hearing in the above-captioned matter, which is scheduled to begin on Tuesday, January 21, 2020 at 9:00 a.m.

2. Rule 4.04 of the Minnesota Rules of General Practice shall apply to all media coverage authorized by this Order. The media is instructed to become familiar with and follow the rule.

3. Pursuant to Rule 4.04(a) of the Minnesota Rules of General Practice, only one still camera, one video camera and one separate audio recording device will be permitted in the courtroom. Pooling arrangements shall be the sole responsibility of the media.

4. Devices used to conduct photography, video, and audio recording shall be in a single fixed location in the gallery. Equipment shall be placed so as not to disrupt the proceedings. Equipment shall be muted so it does not make noise.

5. No still photography, video, or audio recording shall be conducted in the courtroom during breaks, while court is not in session, or while the judge is absent from the court room.

6. Video recording shall only be permitted between the opening of court (usually 9:00 a.m.) and the first morning break (usually 10:30 a.m.). This time limit does not apply to audio recording or still photography. Video equipment need not be removed outside of these hours as long as it is not being operated.

7. The courtroom will open for set up at 8:30 a.m. and all equipment must be in place and ready for use by 9:00 a.m.

8. Pursuant to Rule 4.02(c)(ii) of the Minnesota Rules of General Practice, if any witness objects in writing or on the record to photography, video, or audio recording during their testimony, there shall be no photography, video, and audio recording during their testimony. As of the date of this order, Brad Moore and Christie Kearney have objected in writing. Their testimony shall not be recorded or photographed in any way.

9. Photography, video, and audio recording must be completed and all camera and audio equipment removed from Courtroom 1480 immediately following the conclusion of the hearing.

10. This order only permits still photography, video recording, and audio recording. Any live broadcast or live streaming of the proceedings is prohibited. Taking any photographs or video of spectators in the courtroom is also prohibited.

11. No still photography, video, or audio recording may be conducted in any other Ramsey County Courthouse location where the use of recording devices is otherwise prohibited by the “Amended Order Regarding the Use of Electronic and Recording Devices in Court Facilities.”

12. From and after the time this Order is filed, any further notices of intent to cover district court proceedings by photographic, audio, or video means are untimely. However, this Order does not prohibit the media outlets covered by this Order from sharing their photographic, video, or audio files with other interested media outlets without court involvement. *Cf.* Minn. R. Gen. Prac. 4.04(4).

13. If circumstances change or if there is any disruption to the proceedings caused by the media, the court may modify or revoke this order.

Dated: January 17, 2020

BY THE COURT:

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John H. Guthmann  
Chief Judge, Second Judicial District