

STATE OF MINNESOTA
COUNTY OF RAMSEY

DISTRICT COURT
SECOND JUDICIAL DISTRICT

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.

Court File Number: 62-CV-19-4626

Honorable Judge John H. Guthmann

**MINNESOTA POLLUTION CONTROL AGENCY'S NOTICE OF MOTION
AND MOTION IN LIMINE TO EXCLUDE TESTIMONY AND EVIDENCE**

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; and

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.

Poly Met Mining, Inc. and its attorneys Monte A. Mills, Caitlinrose H. Fisher, and Davida S. McGhee of Green Espel, PLLP, 222 S. Ninth Street, Suite 2200, Minneapolis, MN 55402, and Kathryn A. Kusske Floyd, Jay C. Johnson, and Kyle W. Robisch of Venable, LLP, 600 Massachusetts Avenue, NW, Washington, DC 20001;

PLEASE TAKE NOTICE that Minnesota Pollution Control Agency (“MPCA”) will bring the Motion set forth below for hearing on January 21, 2020 at 9:00 A.M., or as soon as counsel may be heard before the Honorable John H. Guthmann, Courtroom No. 1480 of the Ramsey County Courthouse, St. Paul, Minnesota.

MPCA moves the Court for an order granting MPCA’s Motion in Limine to Exclude Testimony and Evidence filed on December 27, 2019. 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 this 27th day of December 2019.

/s/ John C. Martin

Sarah Koniewicz

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