

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

ORDER

The above-captioned matter was heard by the court on December 6, 2019 pursuant to Minn. R. Gen. Prac. 115.04(d) and 115.09. One of the issues was relators' motion to compel the testimony under oath of Kevin Pierard, a former employee of the United States Environmental Protection Agency. Relators seek Mr. Pierard's testimony concerning the issues in this proceeding, including occurrences in which Mr. Pierard personally participated both as a fact witness and as a person familiar with the NPDES permitting process, in order to assist the court in determining what constitutes regular and irregular procedure. Appearances were stated on the record.

After considering that motion, any responses thereto, and the record of the case, the court finds that the motion should be **GRANTED**.

IT IS THEREFORE ORDERED that Kevin Pierard shall appear and give his sworn testimony in this case pursuant to a subpoena issued in accordance with New Mexico Rules Annotated 1-045, by appearing at a videotaped deposition in New Mexico, where he resides, on a date to be agreed upon by the parties, or at his election, by appearing as a witness at the administrative hearing set for January 21, 2020 in St. Paul, Minnesota. If Mr. Pierard elects not to appear live at the hearing in St. Paul, relators shall issue and serve a subpoena pursuant to this Order.

The basis for the court's decision to grant this motion was stated in the record of the December 6, 2019 hearing, which record is incorporated herein by reference.

Dated: December 8, 2019

BY THE COURT:

John H. Guthmann
Judge of District Court