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November 12, 2019

VIA ODYSSEY AND COURIER

The Honorable John H. Guthmann
Ramsey County District Court
15 W. Kellogg Blvd.
St. Paul, MN 55102
(2ndJudgeGuthmannChambers@courts.state.mn.us)

Re: *Ramsey County District Court File No. 62-cv-19-4626*

Dear Judge Guthmann:

PolyMet respectfully submits this letter in opposition to Relators' request for a continuance of the evidentiary hearing scheduled to begin on January 13, 2020. In light of the court of appeals' August 6 instruction that the hearing is "to be held as soon as practicable," the hearing should continue as scheduled.

On November 5, Relators alerted PolyMet that because Relators' lead counsel is "required to attend a hearing in federal court in San Juan, Puerto Rico on January 14, 2020," Relators intended to ask for "a postponement of the commencement of the [evidentiary] hearing to January 20, 2020." PolyMet responded on November 6, noting that the "unusual circumstances" of this case constrain PolyMet from consenting to a postponement:

Almost a month ago, on October 11, Judge Guthmann set the hearing to begin on January 13, 2020. Judge Guthmann's order setting that hearing date said the parties could raise any other issues "with the exception of the hearing commencement date." Judge Guthmann's order also said, in all-caps font: "NO CONTINUANCES WILL BE GRANTED WITHOUT WRITTEN COURT PERMISSION." Judge Guthmann seems to be attempting to follow the court of appeals' August 6 instruction that "the hearing is to be held as soon as practicable." Further, the hearing cannot start on January 20 as you suggest because Judge Guthmann's order states that "[t]here will be no court on either January 16 or January 20." Finally, given the stay of the NPDES, PolyMet has an especially strong interest in an expeditious resolution of this matter. Under these circumstances, PolyMet objects to any delay in the hearing.

Ex. B to Relators' Ltr. PolyMet continues to object on these bases. Although Relators would prefer to be represented by Mr. Pentelovitch at the evidentiary hearing, his involvement to date has, at least from PolyMet's perspective, been minimal. Counsel who appeared at the two previous court

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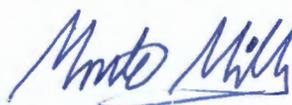
hearings in this matter have ably represented Relators' interests, and a ten-day hearing already scheduled should not be delayed eight days simply because Mr. Pentelovich will be unavailable for the first three days.

PolyMet also notes that it cannot know whether the Court has two weeks in its schedule starting January 21, 2019, and that any delay of the evidentiary hearing could lead to further conflicts in counsel's and witnesses' schedules.

PolyMet has a strong interest in the expeditious resolution of this matter—a strong interest that neither Relators nor MPCA share. As Your Honor is aware, the court of appeals has stayed the NPDES Permit "at least through the pendency of the district court proceedings." From that perspective, the delay that Relators request benefits them and harms PolyMet. And the fact that some of PolyMet's other permits are also stayed may change by the time these proceedings are complete, since the court of appeals is due to decide Relators' challenge to those permits by January 23, 2020.

The Court should deny Relators' request for a continuance and begin the evidentiary hearing on January 13, 2020, as previously scheduled. If the Court grants Relators' request, however, PolyMet respectfully requests that the hearing be rescheduled in a manner consistent with the direction of the court of appeals—"as soon as practicable." Furthermore, if the court moves back the January 13 hearing date, then it should move back the January 3 deadline, while maintaining the December 20 deadline.

Very truly yours,



Monte A. Mills

c: All counsel of record (via Odyssey)