

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

**NOTICE OF MOTION AND MOTION
TO COMPEL**

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.

PLEASE TAKE NOTICE that on November 13, 2019 at 10:00 a.m. at the Pre-Hearing Conference in Courtroom 1480 of the Ramsey County Courthouse, St. Paul, Minnesota, before the Honorable Judge Guthmann, Minnesota Pollution Control Agency (“MPCA”) will move and hereby moves the Court for an order compelling WaterLegacy, Minnesota Center for Environmental Advocacy, Center for Biological Diversity, Friends of the Boundary Waters, and

Fond du Lac Band of Lake Superior Chippewa (collectively “Relators”) to provide a complete privilege log and to respond to MPCA’s written deposition questions.

This Motion is based on this Notice, the accompanying Memorandum and Attachments filed in support of this Motion, and the pleadings, records and files in this action.

Meet and Confer Certification. Counsel for MPCA has unsuccessfully conferred in good faith with counsel for Relators regarding the issues addressed in this motion in an effort to secure the information or material without court action.

DATED October 30, 2019

/s/ John C. Martin

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