

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.

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

**ORDER SETTING PREHEARING
CONFERENCE AND HEARING**

With the completion of discovery during the month of October 2019, the case is ready for a final pre-hearing conference and the hearing. Therefore, based on the files, records and proceedings herein:

IT IS ORDERED that:

1. **Pre-Hearing Conference**: all counsel of record planning to speak on the record at the hearing shall appear for a pre-hearing conference on **Wednesday, November 13, 2019** at 10:00 a.m. in Courtroom 1480 of the Ramsey County Courthouse. Counsel shall be prepared to discuss the remaining paragraphs of this order and any other issue they wish to raise with the exception of the hearing commencement date.
2. **Hearing**: The day certain evidentiary hearing is set before the undersigned on **January 13, 2020** at 9:00 a.m. in Courtroom 1480 of the Ramsey County Courthouse. The hearing is expected to last **5-10 days**. There will be no court on either January 16 or January 20.
2. The issues to be heard are limited to the alleged procedural irregularities listed in relators' September 14, 2019 list of alleged procedural irregularities.
4. The parties shall attempt to enter into stipulations regarding exhibits or other evidence before appearing for the hearing.
5. The parties shall serve and file complete and final lists of all witnesses who will actually testify no later than **December 2, 2019**. Any party may offer the testimony of a witness

listed by another party. **Unlisted witnesses INCLUDING IMPEACHMENT WITNESSES shall not testify unless the court determines that good cause existed for failing to disclose the witness.**

7. The parties shall serve and file complete and final exhibit lists no later than **December 2, 2019**. Prior to the commencement of the hearing, the proponent shall allow any other party to examine and copy all documents on the proponent's exhibit list. Unless a different directive is provided herein, the parties shall comply with Minn. Gen. R. Prac. Part H, § 12. Any party may use any exhibit that has been listed by another party. **Unlisted exhibits shall not be admitted unless the court determines that good cause existed for failing to disclose the exhibit.**

8. If any party discloses more than 25 exhibits, counsel shall prepare a sufficient number of exhibit books in tabbed three-ring binders for use of the Judge and each represented party.

9. All motions including those *in limine* shall be served and filed with the Court Administrator, with paper courtesy copies sent directly to the court in Chambers 1470, no later than **December 20, 2019** or the motion shall be barred. All responses to motions shall be served and filed with the Court Administrator, with paper courtesy copies sent directly to the court in Chambers 1470, no later than **January 3, 2020** or the response shall be barred.

10. No later than **January 3, 2020**, counsel shall arrange for the pre-marking of exhibits. Exhibits shall not be marked during the hearing.

11. Counsel shall submit any pre-hearing brief to be considered by the Court no later than **January 3, 2020**.

12. All objections to the admissibility of documentary evidence based on foundation shall be served and filed no later than **December 20, 2019** or they shall be deemed waived. If there is no objection, the custodians of such records need not appear at trial.

13. All proposed orders shall be submitted to the Court **in writing and by email in Word format to: 2ndJudgeGuthmannChambers@courts.state.mn.us.**

14. Counsel should be prepared to offer evidence in a timely manner, and the court will not grant a continuance to produce witnesses or evidence except in the most extraordinary circumstances. In the event that counsel has questions regarding the availability of witnesses at the hearing, preservation depositions shall be taken for use at the hearing.

15. **NO CONTINUANCES WILL BE GRANTED WITHOUT WRITTEN COURT PERMISSION.**

17. Failure to comply with the provisions of this Order may result in the imposition of sanctions.

Dated: October 11, 2019

BY THE COURT:

John H. Guthmann
Judge of District Court