

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

PROPOSED ORDER

This matter comes before the Court on Relators' motion that the Court order that: (1) MPCA disclose the date and content of all previous communications with Xact Data Discovery ("XACT"); (2) MPCA may not retain XACT for any purpose related to this matter other than the jointly-retained representation for the forensic search; (3) MPCA may not communicate with XACT other than in writing copied to Relators or in a conference call in which Relators participate; and (4) XACT use the search terms submitted by Relators in Exhibit 6 that capture the broad purpose of the forensic search, in order to assist the Court in determining what constitutes regular and irregular procedure.

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

IT IS THEREFORE ORDERED that (1) MPCA disclose to Relators the data and content of all previous communications with XACT; (2) MPCA shall terminate its attorney-client relationship with XACT and shall not retain XACT for any purpose related to this matter other than the jointly-retained representation for the forensic search; (3) MPCA shall not communicate with XACT other than in writing copied to Relators or in a conference call in which Relators

participate; and (4) MPCA and Relators shall jointly instruct XACT to use the search terms in Exhibit 6 upon receipt of a copy of this Order.

Dated: _____

The Honorable Judge John H. Guthmann