

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 GRANTING
RELATORS' MOTION FOR
SPOILIATION SANCTIONS**

The above-captioned matter came before the Court for an evidentiary hearing on January 21 through January 29, 2020. Relators Center for Biological Diversity, Fond du Lac Band of Lake Superior Chippewa, Friends of the Boundary Waters Wilderness, Minnesota Center for Biological Diversity, and WaterLegacy brought a motion *in limine* for spoliation sanctions (the "Motion"), which Motion the Court heard on January 21, 2020.

The Court, having read and considered the Motion, and based on all the evidence received, files, records, and proceedings herein, makes the following:

IT IS HEREBY ORDERED:

1. Relators' Motion is GRANTED.
2. To redress Respondent Minnesota Pollution Control Agency's ("MPCA") destruction of relevant evidence, the Court will infer that Shannon Lotthammer deleted her March 13-15, 2018 emails after MPCA received WaterLegacy's March 26, 2018 Data Practices Act ("DPA") request, and that Lotthammer

deleted additional emails or other records pertaining to the PolyMet permit after MPCA had received WaterLegacy DPA requests made between March 26, 2018 and February 3, 2019.

BY THE COURT:

Dated: _____

John H. Guthmann
Judge of District Court