

STATE OF MINNESOTA  
COUNTY OF RAMSEY

DISTRICT COURT  
SECOND JUDICIAL DISTRICT

Case Type: Civil Other/Misc.

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Center for Biological Diversity, Friends of the  
Boundary Waters Wilderness, Minnesota  
Center for Environmental Advocacy,  
WaterLegacy, and Fond du Lac Band of Lake  
Superior Chippewa,

Plaintiffs,

vs.

Minnesota Pollution Control Agency and  
PolyMet Mining, Inc.,

Defendants.

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Court File No. 62-CV-19-4626  
Judge John H. Guthmann

**PROPOSED  
SCHEDULING ORDER**

1. **Discoverable Issues.** The issues on which the parties need to conduct discovery are related to procedural irregularities pertaining to the Minnesota Pollution Control Agency's ("MPCA") issuance of a National Pollutant Discharge Elimination System/State Disposal System ("NPDES Permit") to PolyMet Mining, Inc. ("PolyMet"), which are more fully detailed in the Plaintiffs' Rule 7.02 Motion for Findings of Fact, Conclusions of Law and Order.
2. **Discovery Deadline.** All factual discovery, including Interrogatories, Document Requests, Requests for Admission, Depositions, and expert discovery shall be completed by February 7, 2020.
3. **Motion Deadlines.** All dispositive and non-dispositive motions shall be filed within 30 days of the close of discovery. All dispositive motions shall be heard on or before April 7, 2020.
4. **Disclosure of Expert Testimony.** The parties shall make expert disclosures required by Rule 26.01(b) as follows:
  - a. The identity of any expert who may testify at the evidentiary hearing must be disclosed on or before: December 2, 2019.

- b. The identity of any expert who may testify in contradiction of or rebuttal to any expert who submitted an initial expert written report as referred to above must be disclosed on or before: December 11, 2019.
- 5. **Electronically Stored Information.** Discovery will involve the production of electronically stored information. MPCA and PolyMet shall preserve all electronically stored information relating to PolyMet’s NPDES application and subsequently approved permit, including the original form or forms in which the electronically stored information was created.
- 6. **Claims of Privilege or Trial-Preparation Protection.** To the extent privileged material is withheld by the parties, they will provide the information required by Rule 26.
- 7. This case will have an evidentiary hearing.
- 8. The estimated length of the evidentiary hearing is 10 days.
- 9. The case will be ready for an evidentiary hearing on or after May 11, 2020.

BY THE COURT:

Dated: \_\_\_\_\_

\_\_\_\_\_  
Judge of District Court

FOR THE COURT:

Dated: \_\_\_\_\_

\_\_\_\_\_  
Court Administrator