

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

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

**RELATORS' NOTICE OF MOTION
AND MOTION TO STRIKE THE
DECLARATIONS OF ADONIS
NEBLETT, ANDREW EMRICH, AND
THOMAS SANSONETTI AND
STATEMENTS MADE IN RELIANCE
ON THEM FROM MPCA'S POST-
HEARING BRIEF AND PROPOSED
FINDINGS OF FACT**

TO: RESPONDENT MINNESOTA POLLUTION CONTROL AGENCY AND ITS
ATTORNEYS OF RECORD, JOHN MARTIN, HOLLAND & HART, LLP, P.O. BOX
68, JACKSON, WY 83001; SARAH KONIEWICZ, HOLLAND & HART, LLP, 1800
BROADWAY, SUITE 300, BOULDER, CO 80302; AND RICHARD SCHWARTZ,
CROWELL & MORING LLP, 1001 PENNSYLVANIA AVENUE NW, WASHINGTON,
DC 20004, and

RESPONDENT POLY MET MINING, INC. AND ITS ATTORNEYS OF RECORD,
MONTE A. MILLS, DAVIDA S. MCGHEE, AND GREENE ESPEL PLLP, 222 SOUTH
NINTH STREET, SUITE 2200, MINNEAPOLIS, MN 55402 AND KATHRYN A.
KUSSKE FLOYD, JAY C. JOHNSON, VENABLE LLP, 600 MASSACHUSETTS
AVENUE NW, WASHINGTON, DC 20001.

PLEASE TAKE NOTICE THAT Relators WaterLegacy, Center for Biological
Diversity, Friends of the Boundary Waters Wilderness, Minnesota Center for
Environmental Advocacy, and Fond du Lac Band of Lake Superior Chippewa hereby move
the Court for an Order Striking the Declarations of Adonis Neblett, Andrew Emrich, and

Thomas Sansonetti and Statements Made in Reliance on Them from Minnesota Pollution Control Agency's Post-Hearing Brief and Proposed Findings of Fact.

This motion is based on all files, records, and proceedings herein, as well as Relators' memorandum served and filed in accordance with Rule 115.04 of the Minnesota General Rules of Practice.

Relators waive oral argument.

Pursuant to Minnesota Rule of General Practice 115,10, Relators certify that Relators and Minnesota Pollution Control Agency conferred in writing regarding this motion and could not resolve their dispute.

[signature blocks on following page]

DATED: May 11, 2020

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