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January 16, 2020

*Via E-filing and hand delivered*

The Honorable John H. Guthmann  
Ramsey County District Court  
1470 Ramsey County Courthouse  
15 Kellogg Boulevard West  
St. Paul, MN 55102

**Re: Ramsey County Court File No. 62-cv-19-4626**

Dear Judge Guthmann:

In the above-mentioned case, the Fond du Lac Band of Lake Superior Chippewa (“Band”) is represented by out-of-state counsel, Vanessa Ray-Hodge and Matthew Murdock, both of whom are admitted *pro hac vice*. Sean Copeland serves as Minnesota counsel for both Ms. Ray-Hodge and Mr. Murdock. Mr. Copeland is also the Band’s general counsel and is responsible for the Band’s day to day legal needs on the Reservation, which is located just outside of Duluth, MN. We are writing to request permission from the Court for Mr. Copeland to be absent from the two-week evidentiary hearing as circumstances may require.

Minnesota General Rule of Practice 5 provides that Minnesota counsel must be present at court hearings in chambers or by telephone. However, Rule 5 also provides that “the out-of-state lawyer, may, in the discretion of the court, conduct proceedings without the presence of Minnesota counsel.” The evidentiary hearing for this case begins on January 21 and may continue until

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February 3, 2020. Mr. Copeland plans to be present at the evidentiary hearing. However, we are concerned that unexpected conflicts may arise during the hearing that require him, as general counsel for the Band, to be absent from the courtroom on a particular day(s) or time(s).

As a precaution, we seek the Court's permission to allow out-of-state counsel to continue to represent the Band during the evidentiary hearing in the event Mr. Copeland must be absent. Ms. Ray-Hodge and Mr. Murdock understand that they are subject to all rules that apply to lawyers admitted in Minnesota, including rules related to e-filing. We have also reached out to counsel for the other Relators,<sup>1</sup> as well as counsel for both the Minnesota Pollution Control Agency and PolyMet Mining Inc., and there are no objections to this request.

Respectfully Submitted,

/s/ Vanessa L. Ray-Hodge

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cc: Counsel of Record (via Odyssey)

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<sup>1</sup> Center for Biological Diversity, Friends of the Boundary Waters Wilderness, Minnesota Center for Environmental Advocacy and Water Legacy.