

STATE OF MINNESOTA  
COUNTY OF RAMSEY

DISTRICT COURT  
SECOND JUDICIAL DISTRICT

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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, Babbitt,  
Minnesota.

Court File Number: 62-CV-19-4626

Honorable Judge John H. Guthmann

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**PROPOSED ORDER RE: MINNESOTA POLLUTION  
CONTROL AGENCY'S MOTION IN LIMINE**

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The Court, having reviewed the Motion in Limine filed on behalf of Minnesota Pollution Control Agency ("MPCA"), and being otherwise fully apprised, hereby Orders as follows:

1. All evidence that exceeds the scope of the issues identified by the Court of Appeals for this evidentiary hearing is hereby excluded;
2. Any testimony by Realtors' witnesses Brian Branfireun, Ph.D., Mike Gallegos, Catherine Kuhlman, Emily Onello, M.D., and Margaret Saracino, M.D. is excluded. Krista McKim and Kevin Pierard may not testify to their personal views or opinions about the NorthMet permit or permitting process, whether EPA followed its usual procedures, whether they disagree with EPA's approval of the permit or as to any alleged procedural irregularities by MPCA;
3. The following categories of documents and specific documents are excluded:

(1) Newspaper Articles, including: Relators' Exhibit Nos.: 3, 10, 127, 144, 236, 237, 534-567, 600, 667, 669, 703, 723;

(2) Separate, Unrelated Permits, Applications and Permitting Processes, including: Relators' Exhibit Nos.: 129-140, 144, 161-171, 174, 175, 178-227, 263, 527-533, 719, 720;

(3) Exhibits Which Post-Date The NorthMet Permit Approval That Do Not Show The Existence or Absence of Any Procedural Irregularity;

(4) Exhibits Lacking Foundation, Including All EPA Documents Not Sent or Received by a Witness to this Proceeding, including: Relators' Exhibit Nos.: 127, 171, 176, 180-184, 194, 205, 207, 209, 215-216, 224, 226-227, 353, 443-474, 477, 480, 484-485, 487-488, 490-491, 493, 495-499, 504-524, 526, 600, 603-606, 608, 610-611, 619, 623, 627, 656, 659, 722, 724-758;

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

BY THE COURT,

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U.S. District Court Magistrate/Judge