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*Attorney for Objectors,
Mary Brezik-Fisher and David Fisher*

**BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING**

IN RE BROOK MINE APPLICATION)
)
TFN 6 2-025) **DOCKET 17-4802**
)
)

**FIRST REQUESTS FOR PRODUCTION TO DEQ ISSUED BY OBJECTORS
MARY BREZIK-FISHER AND DAVID FISHER**

Objectors Mary Brezik-Fisher and David Fisher, by and through their undersigned counsel, submit the following requests for production issued to the Department of Environmental Quality pursuant to the Wyoming Rules of Civil Procedure to be answered separately and fully in writing under oath as follows:

A. DEFINITIONS AND REQUIREMENTS

Each request seeks all information or materials known to you, your agents, employees and attorneys, including information that can be obtained through a diligent review of records or data under your control or available to you. Your answers should include all materials given to you by others, unless such information is protected by the attorney-client privilege

or the work product doctrine. If you claim requested information is not subject to disclosure, comply with the Wyoming Rules of Civil Procedure, including Rule 26(b)(5), by making such a claim expressly and describing the nature of the documents, communications, or things not produced or disclosed in a manner that, without revealing information itself privileged or protected, will enable the undersigned to assess the applicability of the privilege or protection.

When the terms “writing”, “documents”, “tangible items”, or “electronically stored information” are used in these requests, these terms should be construed in the broadest sense and are intended to encompass all forms of information as contemplated and described by Wyoming Rule of Civil Procedure 34, including without limitation, all writings, documents, copies, reproductions, drawings, graphs, charts, photographs, sound recordings, visual recordings, images, and any other data or data compilations stored in any medium from which information can be obtained or translated (if necessary) by the respondent into reasonably usable form.

Supplementation of all responses is required in strict compliance with the Wyoming Rules of Civil Procedure and for any answer that requests information relating to or seeking information on: (a) the identity and location of persons having knowledge of discoverable facts; (b) the identity, location, qualifications and opinions of experts expected to be called at trial; and (c) any answer to a request to which supplemental, new or amended information is obtained that changes, supplements, alters, supports or contradicts any prior response.

Definitions:

1. **“Brook Mine”** as used in this discovery shall mean Brook Mining Company, LLC.
2. **“Mine or Mining Permit”** as used in this discovery shall mean Brook Mine Application TFN 6 2-025 currently pending in Sheridan County, Wyoming.
3. **“DEQ”** as used in this discovery shall mean the Wyoming Department Of Environmental Quality.
4. **“Fishers”** as used in this discovery shall mean Objectors Mary Brezik-Fisher and David Fisher.

The following documents and things are requested:

REQUEST FOR PRODUCTION NO. 1: Produce a copy of all Geotechnical, hydrological, water quality and air quality studies, reports or determinations which have been completed pursuant to the Brook Mine project by any person or entity other than Brook Mine or its agents.

RESPONSE:

REQUEST FOR PRODUCTION NO. 2: Produce copies of all data, documents, studies, resources, reports, memoranda, or any other materials which were supplied to DEQ in support of setting the reclamation and/or performance bond relating to the Brook Mine Permit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 3: Produce a copy of the Cumulative Hydrologic Impact Assessment (“CHIA”) pertaining to the Brook Mine Permit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 4: Produce a copy of any documents or materials identified in your response to interrogatories issued by the Fishers.

RESPONSE:

REQUEST FOR PRODUCTION NO. 5: In relation to each expert witness you will call at the contested case hearing, (**regardless of whether such expert is a “retained” expert or not**) please produce the following information in relation to each expert:

- a) A copy of all documents supplied to the expert;
- b) Any correspondence, email, or other documents exchanged between you and the expert;
- c) A copy of the expert’s *curriculum vitae* or resume; and
- d) Any report prepared by the expert which relates to this case.

If you do not answer this request at this time, fully supplement your response to this request when your experts are identified, or concurrently with any disclosure required pursuant to the contested case hearing.

RESPONSE:

REQUEST FOR PRODUCTION NO. 6: Produce any documents that evidence the projected or estimated cost, expense or expenditure of the overburden removal to create the access trenches or openings that will provide the access points to facilitate the highwall mining equipment and activities at the Brook Mine facility proposed in Sheridan County, Wyoming.

RESPONSE:

REQUEST FOR PRODUCTION NO. 7: Produce copies of all AML data, field notes and any reports (final or draft) which relate to the abandoned underground mines in Sheridan County, Wyoming within the last five years.

RESPONSE:

DATED this 7th day of April, 2017.

YONKEE & TONER, LLP

/s/ Jay A. Gilbertz

Jay A. Gilbertz, WSB # 6-3087

Attorney for Objectors

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CERTIFICATE OF SERVICE

I, Jay A. Gilbertz, hereby certify that on the 7th day of April, 2017, I served a true and correct copy of the above and foregoing *by electronic transmission*, duly addressed as follows:

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/s/ Jay A. Gilbertz _____
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