

EXHIBIT 1

Matthew J. Micheli, P.C.
Samuel R. Yemington
Holland & Hart LLP
2515 Warren Ave., Suite 450
Cheyenne, WY 82001
mjmiceli@hollandhart.com
sryemington@hollandhart.com

Attorneys for Bentonite Performance
Minerals, LLC

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

**IN RE BENTONITE PERFORMANCE) DOCKET 18-1601
MINERALS LLC)**

NOTICE OF DEPOSITION DUCES TECUM OF MR. RONALD ERICSSON

Pursuant to the Wyoming Rules of Civil Procedure, counsel for Petitioner Bentonite Performance Minerals, LLC (BPM) will take the deposition of Mr. Ronald Ericsson, manager of 2U Ranch, LLC, 426 Lonesome Country Road, Alzada, Montana 59311, at the date and time indicated below:

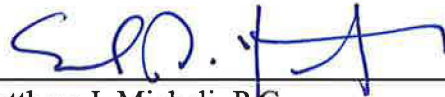
| DEPONENT | DATE | TIME |
|-----------------|-------------------|---------------|
| Ronald Ericsson | November 19, 2018 | 9:00 a.m. MST |

The deposition will be conducted in the meeting room of the Sundance State Bank building, located at 207 North Second Street, Sundance, Wyoming. The deposition will be taken before and recorded by a certified court reporter and notary public and will continue until completed. The deposition will be taken in accordance with the Wyoming Rules of Civil Procedure and may be used for all purposes as provided by the rules. The deponent is requested to bring the responsive documents identified on the **Exhibit A** attached to this Notice of Deposition Duces Tecum.

EXHIBIT 1

Please advise at your earliest convenience as to whether there exists a conflict with the proposed deposition date, time, or location, or whether a different date, time, or location is preferred by you. Counsel for BPM will work with you, to the extent possible, to limit burdens associated with appearing for this deposition and producing responsive documents.

DATED this 5th day of November 2018.



Matthew J. Micheli, P.C.
Samuel R. Yemington
Holland & Hart LLP
2515 Warren Ave., Suite 450
Cheyenne, WY 82001
mjmiceli@hollandhart.com
sryemington@hollandhart.com

ATTORNEYS FOR PETITIONER
BENTONITE PERFORMANCE
MINERALS, LLC

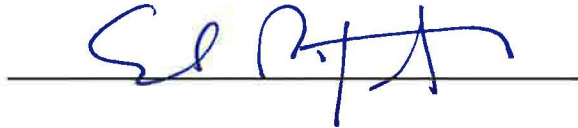
CERTIFICATE OF SERVICE

I certify that on November 5, 2018 I served a copy of the foregoing document to the following by email and certified mail:

2U Ranch, LLC
c/o Ronald Ericsson
426 Lonesome Country Road
Alzada, Montana 59311
ericsson@childselect.com

and by email:

Jim Ruby
Executive Secretary, Wyoming Environmental Quality Council
122 W. 25th Street
Herschler Building 1W, Room 1714
Cheyenne, WY 82001
jim.ruby@wyo.gov



A handwritten signature in blue ink, appearing to read "Jim Ruby", is written over a horizontal line.

EXHIBIT A

You are commanded to produce at deposition the documents, books, papers, and other tangible things identified below, in accordance with the following instructions and definitions:

INSTRUCTIONS FOR USE AND DEFINITIONS

1. The terms “you” and “your” means 2U Ranch, LLC and its predecessor-in-interest Lonesome Country Limited.
2. The term “BPM” means Bentonite Performance Minerals, LLC.
3. The term “Subject Lands” means those surface lands owned by you and being described as follows:

Township 57 North, Range 62 West, 6th P.M.

Section 30: Lots 18 and 19

Section 31: Lots 3, 4, 5, 6, 7, 11, 12, 13, S/2NE/4, and SE/4NW/4

Section 32: Lot 3 and SW/4NW/4

Being approximately 608.66 acres and located in Crook County, Wyoming.

4. The term “Lease 0-42804” means BPM’s June 2, 2011 bentonite lease agreement by and between BPM and the State of Wyoming, granting BPM the right to explore and develop the bentonite deposits underlying the Subject Lands.
5. The term “Proposed Mining Operations” means the bentonite surface mining and reclamation operations proposed for Lease 0-42804 and affecting the Subject Lands, as described and detailed in the Mine and Reclamation Plans.
6. The term “documentation” is intended to include but are not necessarily limited to the following: billing statements, telephone call records, files, notes, calculations, emails, memoranda, drafts, correspondence or letters of any kind, intradepartmental or office communications, voice recordings, written statements of reports, either signed or unsigned, agreements, contracts, leases, records, computer printouts, magnetic tapes, disks, diskettes or other machine readable information storage devices.
7. The term “evidencing” means and includes: with respect to, referring to, relating to, embodying, establishing, comprising, connected with, commented on, responding to, showing, describing, documenting, supporting, mentioning, analyzing, reflecting or representing, pertaining to, whether or in whole or in part, or directly or indirectly.
8. All documentation is to be divulged which is in your possession or that of your attorneys, investigators, lessees, agents, employees or other representatives.

DOCUMENTS TO BE PRODUCED AT DEPOSITION

1. All documentation evidencing existing uses of the Subject Lands that you allege will be adversely impacted by the Proposed Mining Operations, including but not limited to grazing, hunting, planting and harvesting of crops, haying, ranching operations, logging operations, and use of water resources.
2. All documentation evidencing existing uses by third parties of the Subject Lands, including but not limited to grazing leases, hunting leases, road use agreements, right of way agreements, and haying agreements.
3. All documentation evidencing the type and yield of any vegetation utilized for livestock grazing on the Subject Lands by you or a third party.
4. All documentation evidencing the type and yield of crops planted and harvested from the Subject Lands by you or a third party, including but not limited to grasses, legumes, and other herbaceous plants planted and harvested for purposes of haying operations.
5. All documentation evidencing the use of the Subject Lands for ranching operations by you or a third party, including but not limited to the types, varieties, and numbers of livestock utilizing the Subject Lands.
6. All documentation evidencing the use of the Subject Lands for logging operations, including but not limited to the types, varieties, and quantities of trees planted and harvested from the Subject Lands by you or a third party.
7. All documentation evidencing existing improvements to the Subject Lands, including but not limited to buildings, fences, and roads, that you allege will be impacted by the Proposed Mining Operations.
8. The May 24, 2018 certified letter, together with the enclosed mine and reclamation plans, mailed by BPM to you and requesting your consent to the Proposed Mining Operations, together with any documentation evidencing a response from you to BPM.

EXHIBIT 2

**U.S. Postal Service™
CERTIFIED MAIL® RECEIPT**
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

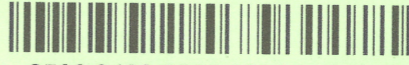
| | |
|--|----|
| Certified Mail Fee | |
| \$ | |
| Extra Services & Fees (check box, add fee as appropriate) | |
| <input type="checkbox"/> Return Receipt (hardcopy) | \$ |
| <input type="checkbox"/> Return Receipt (electronic) | \$ |
| <input type="checkbox"/> Certified Mail Restricted Delivery | \$ |
| <input type="checkbox"/> Adult Signature Required | \$ |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$ |
| Postage | |
| \$ | |
| Total Postage and Fees | |
| \$ | |

CAPITOL STA CHEYENNE WY
 NOV 8 2018
 USPS


Sent To: 2U Ranch, LLC
 Street and Apt. No.: c/o Ronald Ericsson
 City, State, ZIP+4®: 426 Lonesome Country Road
 Alzada, Montana 59311

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7017 1000 0000 8263 7695

| SENDER: COMPLETE THIS SECTION | COMPLETE THIS SECTION ON DELIVERY | | | | | | | | | | | | | | | | |
|---|--|--|---|--|---|--|--|--|---|--|--|--|---|---------------------------------------|--|--|--|
| <ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. <p>1. Article Addressed to:</p> <p style="text-align: center;">2U Ranch, LLC c/o Ronald Ericsson 426 Lonesome Country Road Alzada, Montana 59311</p> <div style="text-align: center;">  9590 9402 2980 7094 6315 46 </div> <p>2. Article Number (Transfer from service label) 7017 1000 0000 8263 7695</p> | <p>A. Signature <input checked="" type="checkbox"/> <i>[Signature]</i> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) _____ C. Date of Delivery _____ 11-8-18</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No</p> <p>3. Service Type</p> <table style="width: 100%; font-size: 0.8em;"> <tr> <td><input type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input checked="" type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input type="checkbox"/> Return Receipt for Merchandise</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Insured Mail</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</td> <td></td> </tr> </table> | <input type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express® | <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail™ | <input type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail Restricted Delivery | <input checked="" type="checkbox"/> Certified Mail Restricted Delivery | <input type="checkbox"/> Return Receipt for Merchandise | <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Signature Confirmation™ | <input type="checkbox"/> Collect on Delivery Restricted Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery | <input type="checkbox"/> Insured Mail | | <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500) | |
| <input type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express® | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail™ | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail Restricted Delivery | | | | | | | | | | | | | | | | |
| <input checked="" type="checkbox"/> Certified Mail Restricted Delivery | <input type="checkbox"/> Return Receipt for Merchandise | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Signature Confirmation™ | | | | | | | | | | | | | | | | |
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| <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500) | | | | | | | | | | | | | | | | | |
| PS Form 3811, July 2015 PSN 7530-02-000-3053 Domestic Return Receipt | | | | | | | | | | | | | | | | | |

USPS TRACKING #


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United States Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box•

HOLLAND & HART LLP
P.O. BOX 1347
CHEYENNE WY 82003-1347

EOC: Docket 18-1601
Notice of Deposition Duces Tecum of Mr. Ronald Ericsson

Attn: BW/SRY

EXHIBIT 2

Track Another Package +

Tracking Number: 70171000000082637695

Remove X

Your item was picked up at the post office at 12:00 pm on November 8, 2018 in ALZADA, MT 59311.

Delivered

November 8, 2018 at 12:00 pm
Delivered, Individual Picked Up at Post Office
ALZADA, MT 59311

Get Updates ▾

Text & Email Updates



Tracking History



November 8, 2018, 12:00 pm

Delivered, Individual Picked Up at Post Office
ALZADA, MT 59311

Your item was picked up at the post office at 12:00 pm on November 8, 2018 in ALZADA, MT 59311.

November 7, 2018

In Transit to Next Facility

November 7, 2018, 12:13 pm

Notice Left (No Authorized Recipient Available)
ALZADA, MT 59311

November 6, 2018, 4:51 pm

Departed USPS Regional Facility
BILLINGS MT DISTRIBUTION CENTER

November 6, 2018, 3:39 pm

Arrived at USPS Regional Facility
BILLINGS MT DISTRIBUTION CENTER

November 5, 2018, 10:55 pm

Arrived at USPS Regional Facility
CHEYENNE WY DISTRIBUTION CENTER

Product Information



See Less ^

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Go to our FAQs section to find answers to your tracking questions.

FAQs (<https://www.usps.com/faqs/uspstracking-faqs.htm>)

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- See images* of incoming mail.
- Automatically track the packages you're expecting.
- Set up email and text alerts so you don't need to enter tracking numbers.
- Enter USPS Delivery Instructions[™] for your mail carrier.

Sign Up

([https://reg.usps.com/entreg/RegistrationAction_input?](https://reg.usps.com/entreg/RegistrationAction_input?app=Uspstools&appURL=https%3A%2F%2Ftools.usps.com%2Fgo%2FTrackConfirmAction%21i)

*NOTE: Black and white (grayscale) images show the outside, front of letter-sized envelopes and mailpieces that are processed through USPS automated equipment.

EXHIBIT 3

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BEFORE THE ENVIRONMENTAL QUALITY COUNCIL

STATE OF WYOMING

IN RE BENTONITE PERFORMANCE)
MINERALS LLC)

DOCKET NUMBER: 18-1601

CERTIFICATE OF NON-APPEARANCE
DEPOSITION OF RONALD ERICSSON

Taken on behalf of BPM

8:55 a.m., Monday
November 19th, 2018

PURSUANT TO AGREEMENT, the Deposition of
Ronald Ericsson was noticed in accordance with the
applicable Rules of Civil Procedure. Attorney for
BPM appearing in Sundance, Wyoming, before Carol
A. O'Bryan, Certified Court Reporter, and a Notary
Public in and for the State of Wyoming.

A P P E A R A N C E S

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For BPM: HOLLAND & HART
Attorneys at Law
2515 Warren Avenue
Suite 450
Cheyenne, WY 82001

By: Samuel R. Yemington, Esq.
sryemington@hollandhart.com

For the Witness: NO APPEARANCE

EXHIBIT INDEX

MARKED FOR
IDENTIFICATION

PAGE

Deposition Exhibit A

Notice of Deposition Duces Tecum
Of Mr. Ronald Ericsson Certified
Mail Receipt and signed Certified
Mail Delivery Receipt

1 MR. YEMINGTON: So let's go on the
2 record with that. My name is Samuel Yemington.
3 I'm an attorney with Holland & Hart representing
4 Bentonite Performance Minerals, LLC in a matter
5 before the Environmental Quality Council of the
6 State of Wyoming.

7 We are at 207 North Second Street in
8 Sundance, Wyoming, at the Sundance State Bank
9 meeting room.

10 Mr. Ronald Ericsson has been noticed for
11 a deposition at 9:00 o'clock a.m. on Monday,
12 November 19th, 2018. We have been at this
13 location since approximately 8:30 a.m.

14 It is currently 10:15 in the morning.
15 Mr. Ericsson has not shown for the deposition, and
16 repeated efforts to contact him at two different
17 numbers have been unsuccessful.

18 At 10:10 we attempted to reach
19 Mr. Ericsson at 432-364-2645 and 307-878-4494.
20 We received a voicemail message and no answer.

21 Mr. Ericsson received this deposition
22 notice on the 8th day of November of 2018 and
23 acknowledged receipt by completing the return
24 receipt on the mailed letter.

25 A copy of that return receipt is

1 attached to the deposition notice together with
2 the request for document production. And we'll
3 mark that as Exhibit A for the record.
4

5 (Whereupon the document referred to by
6 counsel was marked for identification as
7 Deposition Exhibit A, after which the proceedings
8 continued as follows:)
9

10 MR. YEMINGTON: The deposition notice
11 requested Mr. Ericsson advise us at his earliest
12 convenience as to whether there existed a conflict
13 with the proposed deposition date, the time or
14 location; or whether a different date, time, or
15 location was preferred by Mr. Ericsson.

16 Counsel for BTM did not receive any
17 communication from Mr. Ericsson after he received
18 the deposition notice on the 8th of November
19 notifying us that 9:00 a.m. at the Sundance State
20 Bank meeting room in Sundance, Wyoming on November
21 19th, 2018 was a date that would not work.

22 Nothing further from us.
23

24 (Whereupon the proceedings
25 were concluded at 10:22 a.m. on
Monday, November 19, 2018.)

REPORTER'S CERTIFICATE

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I, CAROL A. O'BRYAN, a Certified Court Reporter and a Notary Public of the State of Wyoming, do hereby certify that Ronald Ericsson did not appear for the giving of his deposition at the date and time indicated on the Notice of Deposition.

That the foregoing transcript, consisting of four typewritten pages, is a true record of the proceeding wherein said deponent did not appear for the deposition.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal this 28th day of November, 2018.

S/Carol A. O'Bryan

Carol A. O'Bryan
Certified Court Reporter

My Commission Expires:

October 13th, 2020

O'BRYAN REPORTING SERVICE
307-672-3354

Transcript Word Index

[& - location]

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[mail - yemington]

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EXHIBIT 4

Samuel R. Yemington

Associate, Holland & Hart LLP

2515 Warren Ave, Suite 450, Cheyenne, WY 82001

T 307.778.4207 F 307.220.6189 M 307.290.1105

SRYemington@hollandhart.com



CONFIDENTIALITY NOTICE: This message is confidential and may be privileged. If you believe that this email has been sent to you in error, please reply to the sender that you received the message in error; then please delete this e-mail.

From: rolandericsson@cox.net <rolandericsson@cox.net>

Sent: Wednesday, November 28, 2018 6:44 PM

To: Samuel R. Yemington <SRYemington@hollandhart.com>

Cc: Ronald J. Ericsson <ericsson@childselect.com>; Scott A. Ericsson <scottaericsson@gmail.com>

Subject: Deposition & Production of Documents

To Samuel R Yemington

The production of documents will be made at the time and place of the deposition of Ronald J Ericsson.

Ronald J Ericsson will be available to have his deposition taken on 22 December 2018 at Alpine, Texas.

Roland S Ericsson

EXHIBIT 4