

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

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

**ORDER GRANTING PETITIONER BENTONITE PERFORMANCE MINERALS, LLC'S
MOTION TO COMPEL COMPLIANCE WITH DISCOVERY REQUESTS AND
SANCTIONS**

THIS MATTER came before the Environmental Quality Council on Petitioner Bentonite Performance Minerals, LLC's (BPM) Motion to Compel Compliance with Discovery Requests and Sanctions pursuant to Chapter 2, Section 11(a) of the Rules of the Wyoming Department of Environmental Quality and the Hearing Examiner's August 21, 2018 Order of Schedule, and the Council being fully advised,

ORDERS 2U Ranch's ("2U") compliance with discovery requests and sanctions as follows:

1. Mr. Ericsson shall appear for a deposition at the offices of Holland & Hart, LLP in Cheyenne, Wyoming at 9:00 a.m. on December 7, 2018.

2. Mr. Ericsson shall produce documents responsive to the November 5, 2018 Notice of Deposition on or before December 5, 2018 in compliance with the Order of Schedule.

3. 2U shall remit to BPM those reasonable expenses, including attorney's fees, caused by Mr. Ericsson's failure to appear for his November 19, 2018 deposition ("BPM's fees and expenses") as follows:

a. Within seven (7) days of entry of this Order, BPM shall provide an accounting of BPM's fees and expenses it incurred to prepare for and attend the November 19, 2018 deposition and to draft and file its Motion to Compel Compliance with Discovery Requests and Sanctions.

b. 2U shall remit payment by cashier's check to counsel for BPM within seven (7) days after receipt of BPM's accounting of its fees and expenses.

4. 2U is placed on notice that failure to appear in person for the December 7, 2018 deposition, failure to participate in discovery, failure to comply with the Hearing Examiner's orders, or failure to comply with the Wyoming Rules of Civil Procedure will result in further sanctions, including but not limited to, the prohibition of 2U from supporting or opposing its claims or defenses or from introducing evidence at hearing, or disposition of this matter in favor of Petitioner.

ORDERED this ____ day of December, 2018.

John Corra, Hearing Examiner
Environmental Quality Council

CERTIFICATE OF SERVICE

I, James Ruby, certify that at Cheyenne, Wyoming, on the ____ day of December, 2018, I served a copy of the foregoing ORDER GRANTING PETITIONER BENTONITE PERFORMANCE MINERALS, LLC'S MOTION TO COMPEL COMPLIANCE WITH DISCOVERY REQUESTS AND SANCTIONS by electronic mail to the following:

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