

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

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

RESPONSE OF 2U RANCH, LLC TO MOTION TO COMPEL

2U Ranch LLC and Ronald J Ericsson responds to the motion to compel submitted by Bentonite Performance Minerals, LLC as follows :

The motion of BPM is disingenuous at best. BPM was notified that Ronald J Ericsson would be unavailable to attend a deposition in Sundance, Wyoming on 19 November 2018. See copy of an electronic mail addressed to Matthew J Micheli dated 7 November 2018. Mr Micheli was informed that Ronald J Ericsson would be in Alpine Texas on 19 November 2018; that he would be available to be deposed in Alpine, Texas, after that date; or in the alternative that he would produce the requested documents without the necessity of a deposition.

The electronic mail which is attached hereto supports the allegation that BPM's motion is specious and disingenuous and untrue. The motion states that BPM was not notified that Ronald J Ericsson could not attend the deposition. The fact is that Mr Micheli was notified twelve (12) days prior to the 19 November 2018 deposition date that Ronald J Ericsson could not attend the Sundance, Wyoming deposition.

At no time did BPM accept the offer by Ronald J Ericsson to comply with the production of documents without the necessity of being deposed.

This offer of production was made as a convenience to BPM and not for any purpose of avoiding his deposition.

Ronald J Ericsson has notified BPM of his availability to be deposed at Alpine, Texas, which is his residence. He is 83 years of age with age related health problems. His age and health render it very difficult for him to travel in the winter months when the weather is unpredictable, especially in Wyoming..

BPM is not without options. BPM certainly may seek to have the deposition be taken by telephone or other remote electronic means.

Wherefore, 2U Ranch and Ronald J Ericsson oppose the motion to compel submitted by BPM as being disingenuous and based upon false allegations.

/s/ Ronald J Ericsson

Ronald J Ericsson

/s/ Roland S Ericsson

Roland S Ericsson

/s/ Scott A Ericsson

Scott A Ericsson

CERTIFICATE OF SERVICE

I, Roland S Ericsson, hereby certify that on the first day of December, 2018, I served a copy of the foregoing Request for Production of Documents by electronic mail to Matt J Micheli, attorney at law, Holland & Hart, mjmicheli@hollandandhart.com; to Samuel R Yemington, attorney at law, Holland & Hart, sryemington@hollandhart.com and Jim Ruby, Executive Secretary Wyoming Environmental Quality, jim.ruby@wyo.gov

/s/ Roland S Ericsson
Roland S Ericsson

Deposition & Production of Documents

rolandericsson@cox.net

Wed 11/28/2018, 6:43 PM

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

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

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

Fw: EQC DOCKET 18-1601 BPM/2U

Ronald Ericsson <ericsson@childselect.com>

Wed 11/28/2018, 1:54 PM

To: scottaericsson@gmail.com <scottaericsson@gmail.com>; rolandericsson@cox.net <rolandericsson@cox.net>

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

Sent: Wednesday, November 28, 2018 1:48 PM

To: Ronald Ericsson

Cc: Matt J. Micheli; Michelle McCallum

Subject: EQC DOCKET 18-1601 BPM/2U

Mr. Ericsson,

Please advise at your earliest convenience as to whether 2U Ranch, LLC will be producing documents responsive to BPM's November 5, 2018 Notice of Deposition – Exhibit A. In addition, please respond with your availability to sit for an oral deposition, including your preferred dates, times, and locations. Absent a response, BPM intends to seek relief from the Hearing Examiner.

BPM appreciates your assistance in this matter and your participation in the discovery process. Please contact me with any questions or concerns you may have regarding our discovery requests.

Regards,


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

HOLLAND & HART 



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.

Deposition Duces Tecum

rolandericsson@cox.net

Wed 11/7/2018, 1:11 PM

To: Matthew J Micheli <mjmicheli@hollandandhart.com>

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

To Matthew J Micheli

Ronald J Ericsson will have relocated to his winter home in Alpine, Texas on 19 November 2018. He will be available to be deposed in Alpine, Texas after that date.

In the alternative, he will be able to provide the documents which have been requested that he produce without the necessity of a deposition.

Further, it is my understanding that discovery is not to be shared with the council.

Roland S Ericsson