

Paul Kapp WSB #5-2267  
SUNDAHL, POWERS, KAPP & MARTIN, LLC  
1725 Carey Avenue  
PO Box 328  
Cheyenne WY 82003-0328  
(307) 632-6421  
[pkapp@spkm.org](mailto:pkapp@spkm.org)  
*Counsel for Knife River Corporation*

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

IN RE OBJECTION TO BURNETT PIT )  
APPLICATION TFN 62/292 ) DOCKET 18-4802

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**FIRST COMBINED INTERROGATORIES AND REQUESTS TO PRODUCE TO  
PETITIONER**

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**COMES NOW**, JTL Group Inc, dba Knife River, Inc., by and through its attorneys, Sundahl, Powers, Kapp and Martin, LLC, and submits the following combined written Interrogatories and Request for Production to Petitioner Vicky M. Guilmont-Koch and James Koch to be answered separately and fully in writing under oath according to the Wyoming Rules of Civil Procedure as follows:

**A. INSTRUCTIONS**

1. Whenever in the following Interrogatories, any writing must be described or identified, all writings in the possession or control of yourself and your representatives are included, and all such writings shall be identified by date, author, addresses, title, subject, title of document (contract, invoice, work order, letter or other identifying designation), number and physical description. As to each such writing, the address of the present location of such writing, and the name and address of the custodian thereof, are also requested. The term "writing" is used herein in its broadest sense, and includes any original reproduction or copy of any kind of writing or any documentary material, including, without limitations, correspondence, memoranda, inter-office communications, notes, diaries, contract documents, drawings, plans, specifications,

estimates, vouchers, permits, written ordinances, minutes of meetings, invoices, billings, checks, reports, studies, telegrams, notes of telephone conversations, and notes of any oral communications.

2. "Documents" and "things" shall be defined as those terms are used in Rule 34 of the Wyoming Rules of Civil Procedure, and shall include all types of recorded information, including but not limited to writings, notices, pamphlets, work papers, surveys, accounting statements, financial summaries, statements of assets and liabilities, expense reports, prospectuses, affidavits, lien claims, bonds, statistics, drawings, graphs, charts, photographs, any and all computerized records, storage media, phone records, other data compilations from which information can be obtained, translated, if necessary, through detection devices into reasonably usable form and all drafts, alterations, modifications, changes, and amendments of any kind thereto. Further, the term "document" or "documents" means every document as above defined known to you and every such document which you can locate or discover by reasonably diligent efforts.

3. As used herein, the term "communication" means inquiry, discussions, conversation, negotiation, agreement, undertaking, meetings, telephone conversations, letters, notes, telegrams, telexes, advertisements, or other forms of verbal intercourse, whether oral or written.

4. To "identify" a document or state the "identity of" a document shall mean to state with respect thereto: The identity of the person who prepared it; the identity of the person who signed it, or over whose signature it was or is issued; the identity of each person to whom it was addressed or distributed; the nature and substance of the document with sufficient particularity to enable it to be identified; the date, if any, which the document bears; and the present location of the document, including the identity of its custodians; or in lieu thereof, attach a copy of said document to your response to these interrogatories.

5. To "identify" or to state the "identity of" a person shall mean to state with respect thereto: The person's full name; the person's title in business or professional affiliation, if any, as

of the time to which the answer relates; the person's present title and business or professional and residence addresses and telephone numbers.

6. To "identify" or to state the "identity of" a business entity shall mean to state with respect thereto: The full name of the entity; the title in business or professional affiliation of the entity, if any, as of the time to which the answer relates; the present address of the principle place of business of the entity, and any other addresses of the entity pertinent to responses to these interrogatories.

7. To "identify" or to state the "identity of" a conversation, conference or meeting shall mean to state with respect thereto: The nature thereof; date and time thereof; the location thereof; the identity of all persons participating or attending; the identity of all persons participating or attending; the identity of all documents recording, summarizing, or otherwise arising from the conversation, conference or meeting in accordance with the definitions above; the method of communication utilized, e.g., telephone, face-to-face or in-person communication, or other means, or if the method of communication was by telephone, specify the caller and the person called.

8. As used herein, the term "facts" shall mean transactions and occurrences and shall include: The identity of each person from whom such facts were derived or learned; whether such facts are based upon oral communications and, if so, the identity of each communication, and any location of each communication, the substance of the communication, and any other persons present; whether any documents were prepared which set forth, summarize, or refer to any portion of any such communication identified in the answer to these interrogatories and, if so, the identity of each such document; whether such facts are based upon any documents and if so either known or believed to have any knowledge of any such facts and the substance of the information known to believed to be possessed by each such person.

9. Whenever in the course of answering these interrogatories, information is called for which is other than within the personal knowledge of the person executing the answers hereto, you are requested, in addition to providing such information, to provide the name, address, telephone

number, official capacity and job title of each person providing such information to you, or if the information is obtained from a writing, to identify each such writing as described above.

10. Supplementation of responses is hereby requested to all Interrogatories which seek the following information: A) The identity and location of persons having knowledge of discoverable facts, and B) the identity and location of experts expected to be called at trial, the subject matter of their testimony. Supplementation of responses is also requested for any new information which you receive that shows an original response to these Interrogatories was incorrect when made, or although correct when made, is no longer true in light of such new information. The duty to supplement shall be continuing as to the above-described types of information, and supplementary responses are hereby requested to be served whenever such information is discovered or determined.

11. In the event an interrogatory cannot be answered in full after the exercise of due diligence to secure the information requested, the responding party shall so state an answer to the fullest extent possible. In such instance, specify that portion of the interrogatory which you claim you are unable to answer such interrogatory fully and completely, and state what knowledge, information and/or belief you have concerning the unanswered portion of each such interrogatory and explain all efforts made to obtain the requested information.

## **B. INTERROGATORIES**

**INTERROGATORY NO. 1:** In your Objection, at paragraph 1, you allege that the application is inaccurate or in “violation of W.S. § 35-11-406(n)(i)....” Please state, with particularity:

- a) the basis for your belief that W.S. § 35-11-406(n)(i)” is applicable to this matter; and,
- b) what “reasonable inquiry” you made before you asserted this claim.

**ANSWER:**

**INTERROGATORY NO. 2:** In your Objection, at paragraph 1, you allege that the application is inaccurate or in “violation of W.S. § 35-11-406(n)(i) because it incorrectly denies the exposure to human or animal health and safety risks and/or the required plan for insuring all of those risks, including noise and dust that the Interested Persons are likely to suffer, are contained to prevent harm as required under W.S. § 35-11-406(b)(ix)...” Please state, with particularity:

- a) the basis for your belief that W.S. § 35-11-406(b)(ix)” is applicable to this matter; and,
- b) what “reasonable inquiry” you made before you asserted this claim.

**ANSWER:**

**INTERROGATORY NO. 12:** Have you or your representative conducted any interviews or taken any statements from persons who claim to have knowledge about this matter? If so, identify the person giving the interview or statement, state the date of any such statement or interview and state whether the statement or interview was recorded, written or otherwise reduced to permanent or tangible form?

**ANSWER:**

### **C. REQUESTS FOR PRODUCTION OF DOCUMENTS**

**REQUEST NO. 1:** Provide a copy of any and all documentation, studies, reports, testing or other writing that you rely upon in support of any of the claims that you made in your November 9<sup>th</sup>, Objection, paragraphs 1 through 7.

**RESPONSE:**

**REQUEST NO. 3:** Provide any photographs or pictures which depict, demonstrate or document your claims to damage to your property

**RESPONSE:**

**REQUEST NO. 4:** Any statement, reports, notes, diaries or memoranda made by you in any form whatsoever to any person regarding any of the events or happenings referred to in your objection.

**RESPONSE:**

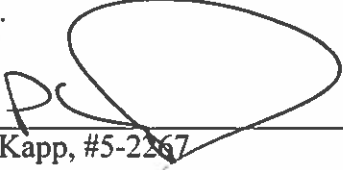
**REQUEST NO. 5:** Any statements, reports, notes, diaries or memoranda in any form whatsoever obtained by you, your attorneys or representatives, or anyone acting on your or their behalf, from any person believed by you or by your attorneys to have knowledge of the claims you have made in your Objection

**RESPONSE:**

**REQUEST NO. 6:** All reports, correspondence, or other materials prepared by or relied upon by any expert witness.

**RESPONSE:**

DATED this 3 day December, 2018.

  
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Paul Kapp, #5-2267  
Jane France  
Sundahl, Powers, Kapp & Martin, LLC  
1725 Carey Avenue  
Cheyenne, Wyoming 82001  
Telephone: (307) 632-6421  
Email: pkapp@spkm.org

*Counsel for Knife River Corporation*

**CERTIFICATE OF SERVICE**

I certify the foregoing pleading was served on this 3 day of December, 2018, as

follows:

James Kaste  
Attorney for DEQ  
[James.kaste@wyo.gov](mailto:James.kaste@wyo.gov)

- U.S. Mail
- Electronically
- Fax
- Hand Delivered

Boyd Wiggam  
Attorney for Petitioners  
[dawnbarela@wiggamlaw.net](mailto:dawnbarela@wiggamlaw.net)

- U.S. Mail
- Electronically
- Fax
- Hand Delivered

  
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Paul Kapp