

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

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

**MOTION TO COMPEL COMPLIANCE
WITH DISCOVERY REQUEST**

To Bentonite Performance Minerals, LLC and
Holland & Hart, Matt J Micheli and
Samuel R Yemmington, its attorneys

2U Ranch LLC hereby moves the hearing officer of the Environmental Quality Council to compel Bentonite Performance Minerals, LLC (BPM) to Answer the Interrogatories and respond to the Request for Production of Documents which previously (6 November 2018) were submitted to BPM in good faith.

BPM did respond to the Interrogatories and Request for Production. However, it clearly appears that BPM did not comply with this discovery in good faith.

The Members of the Council at a hearing on 16 January 2019 stated the standards which the Council expected in proceedings before this administrative body. These standards are that all information should be freely forthcoming and gamesmanship is not looked upon in favor. The council further stated that gamesmanship should better be used in legal proceedings in district court and not before this administrative body.

The Answers to Interrogatories and the Response to Request for Production of Documents appear to be exactly the type of gamesmanship which the Council was referring to at the 16 January 2019 hearing.

Copies of BPM's Answers to Interrogatories and Request for Production of Documents are attached to this MOTION TO COMPEL and are made a part of this Motion. The Council can readily discern that this is clearly gamesmanship at its zenith.

Dated this seventeenth day of January, 2019.

/s/ Scott A Ericsson
Scott A Ericsson

CERTIFICATE OF SERVICE

I, Scott A Ericsson, hereby certify that on the seventeenth day of January, 2019, I served a copy of the foregoing Motion to Compel by electronic mail to Matt J Micheli, attorney at law, Holland & Hart, mjmicheli@hollandhart.com, Samuel R Yemmington, attorney at law, Holland & Hart sryemmington@hollandhart.com; and Jim Ruby, Executive Secretary of Wyoming Environmental Quality Council, jim.ruby@wyo.gov.

/s/ Scott A Ericsson
Scott A Ericsson