

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

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

**PETITIONER BENTONITE PERFORMANCE MINERALS, LLC'S MOTION TO
COMPEL COMPLIANCE WITH DISCOVERY REQUESTS AND DEPOSITION
INTERROGATORIES**

Petitioner Bentonite Performance Minerals, LLC (BPM), pursuant to Chapter 2, Section 11(a) of the Rules of the Wyoming Department of Environmental Quality, moves the Hearing Examiner to compel Respondent 2U Ranch, LLC (2U) to respond to BPM's Request for Production, attached hereto as **Exhibit A** at p. 005, and unanswered deposition interrogatories summarized as follows:

Interrogatory No. 1: Describe in detail 2U's existing operations on the Subject Lands¹.

Interrogatory No. 2: Does 2U allege or contest that the existing operations identified in Interrogatory No. 1 will be impacted by the Proposed Mining Operations?

Interrogatory No. 2: If your answer to Interrogatory No. 2 is yes or otherwise affirmative, describe in detail how 2U's existing operations identified in Interrogatory No. 1 will be impacted by the Proposed Mining Operations.

Interrogatory No. 3: Does 2U allege or contest that the reclamation of the Subject Lands, as detailed in BPM's proposed reclamation plan, will not be implemented as soon as feasibly possible?

Interrogatory No. 4: If your answer to Interrogatory No. 3 is yes or otherwise affirmative, describe in detail 2U's basis for contesting that the reclamation of the Subject Lands, as detailed in BPM's proposed reclamation plan, will not be implemented as soon as feasibly possible.

¹ BPM incorporates and adopts the Instructions for Use and Definitions as provided in **Exhibit A** at p. 004 of the November 5, 2018 Notice of Deposition Duces Tecum of Mr. Ronald Ericsson.

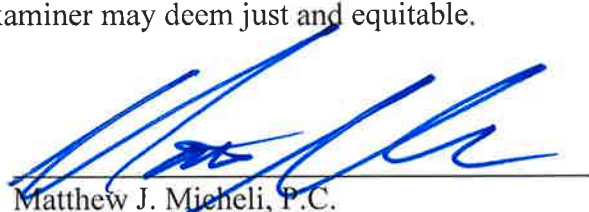
Interrogatory No. 5: Describe in detail the existing improvements to and infrastructure on the Subject Lands that you allege will be impacted by the Proposed Mining Operations.

Interrogatory No. 6: Describe in detail 2U's current ownership, membership and management structure, including but not limited to the individuals having an ownership interest in 2U.

WHEREFORE, the movant requests the Hearing Examiner order as follows:

1. 2U shall respond to BPM's Request for Production on or before January 31, 2019.
2. 2U shall respond to BPM's Interrogatories Nos. 1, 2, 3, 4, 5 and 6 on or before January 31, 2019.
3. Such further relief as the Hearing Examiner may deem just and equitable.

DATED this 17th day of January 2019.



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CERTIFICATE OF SERVICE

I hereby certify that on January 17, 2019, I served a true and correct copy of the foregoing PETITIONER BENTONITE PERFORMANCE MINERALS, LLC'S MOTION TO COMPEL COMPLIANCE WITH DISCOVERY REQUESTS AND DEPOSITION INTERROGATORIES by email to:

2U Ranch, LLC
c/o Ronald Ericsson
ericsson@childselect.com

Jim Ruby
Executive Secretary, Wyoming Environmental Quality Council
jim.ruby@wyo.gov



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