

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

IN THE MATTER OF THE BOND FORFEITURE)
QUALITY LANDSCAPE AND NURSERY, INC.) Docket No. 22-4503
LMO ET1496)

STIPULATED PROTECTIVE ORDER

THIS MATTER, having come before the Council upon the stipulation of the parties, and the Council being fully advised in the premises hereby finds as follows:

1. On May 16, 2023, Petitioner filed its Fact Witness Designation with this Council.
2. In that designation, Petitioner listed Creed James as a potential witness to testify

about the following:

Mr. James is the former mayor of the Town of Saratoga, Wyoming. If called, it is anticipated that Mr. James will testify as to all non-privileged matters, or which are otherwise protected from disclosure, pertaining to the failing sheet pile wall and efforts undertaken by the Town to address issues arising from the same; communications with representatives of DEQ concerning the LMO Property and/or the failing sheet pile wall; non-privileged communications with Town contractors concerning the LMO Property and/or the failing sheet pile wall; communications with third parties concerning the LMO Property and/or the failing sheet pile wall; and communications with Petitioner concerning the LMO Property and/or the failing sheet pile wall. If called, Mr. James may offer testimony on some or all of the above-listed areas of testimony.

3. Both Petitioner and the Department of Environmental Quality (“DEQ”) have agreed that Mr. James’ testimony should be limited to the topics set forth above.

4. Mr. James, as a former mayor of the Town of Saratoga, cannot testify about any information discussed in executive sessions of the governing body of the Town of Saratoga. W.S. § 16-4-405.

5. Likewise, Mr. James cannot testify about communications between himself and attorneys for the Town of Saratoga. W.S. § 1-12-101(a)(i).

6. Mr. James cannot testify regarding the details of any settlement offers or discussions regarding settlement that may have occurred between the Town of Saratoga and Petitioner. W.R.E. 408.

7. Mr. James' testimony is limited to his personal knowledge of the matters set forth in Paragraph 2 obtained during his term as Mayor – January 2021-December 2022.

6. In addition to the limitations set forth above, the parties ask that any questions of Mr. James from the parties or from the Council be limited to those topics listed in Petitioner's Designation of Fact Witnesses.

7. The Council has the authority to enter a protective order pursuant to 020-0008 Wyo. Code R. § 2-15(a), W.S. § 16-3-107(g), and W.R.C.P. 26(c).

NOW, THEREFORE, IT IS HEREBY ORDERED that the attorneys for the Petitioner and DEQ, and the members of the Council, shall only be permitted to question Mr. James about the topics listed in Petitioners' Designation of Fact Witnesses as limited above. It is further

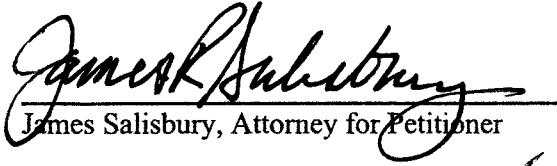
ORDERED that Mr. James' testimony is limited to the topics listed in Petitioner's Designation of Fact Witnesses as limited above and that Mr. James shall not be permitted to testify about any other topic. It is further

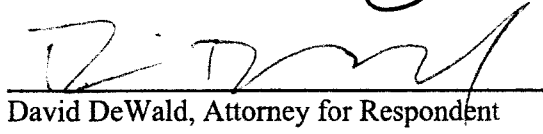
ORDERED that the attorneys for the Petitioner and DEQ, and the members of the Council, shall not be permitted to ask Mr. James about any information discussed in an executive session of the governing body of the Town of Saratoga, any communications between Mr. James and the attorneys for the Town of Saratoga, the substance of any settlement discussions with Petitioner or any other topic otherwise protected from disclosure by law or rule.

DATED this ___ day of June 2023.

Chair, Environmental Quality Council

APPROVED AS TO FORM:


James Salisbury, Attorney for Petitioner


David DeWald, Attorney for Respondent