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BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

In re Brook Mining Co., LLC coal mine)
Permit – PT0841) EQC Docket No. 20-4802
)
)
)
)

MOTION TO STRIKE AFFIDAVIT OF GENNARO G. MARINO, DATED OCTOBER 23, 2020, FILED AS EXHIBIT C TO POWDER RIVER BASIN RESOURCE COUNCIL’S COMBINED RESPONSE IN OPPOSITION TO BROOK MINING CO., LLC’S MOTION FOR SUMMARY JUDGMENT AND MEMORANDUM OF POINTS AND AUTHORITIES FOR CROSS MOTION FOR SUMMARY JUDGMENT

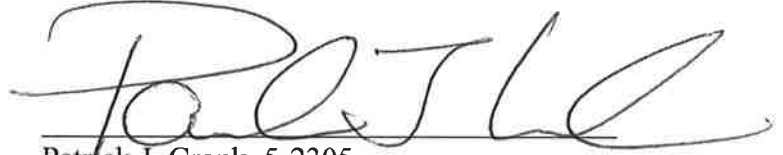
COMES NOW, Brook Mining Co., LLC, by and through its attorneys Patrick J. Crank, Abbigail C. Forwood, and Jim D. Seward of the firm Crank Legal Group, P.C., and hereby moves the Environmental Quality Council to strike the affidavit of Gennaro G. Marino, dated October 23, 2020 and filed as Exhibit C to the Powder River Basin Resource Council’s Combined Response in opposition to Brook Mining Co., LLC’s Motion for Summary Judgment and Memorandum of Points and Authorities for Cross Motion for Summary Judgment. This Motion is made pursuant to the Wyoming Rules of Civil Procedure, Rule 26 (a) (2), Rule 37 (c) and Rule 56 (c)(4). This Motion is supported by Brook Mining Co., LLC’s Brief in Support of Motion to Strike Affidavit of Gennaro G. Marino, October 23, 2020, filed as Exhibit C to Powder River Basin Resource Council’s Combined Response in opposition to Brook Mining

Co., LLC's Motion for Summary Judgment and Memorandum of Points and Authorities for Cross Motion for Summary Judgment. The Wyoming Rules of Civil Procedure require the disclosure of expert reports and opinions in the expert designation, and as explained in detail in the above mentioned Brief, the Powder River Basin failed to comply with said Rules, the aforementioned Marino Affidavit must be stricken from the record in this appeal.

For these reasons, Brook would respectfully request:

- 1) That the Motion to Strike the Affidavit of Gennaro Marino be granted;
- 2) That the court award Brook such other relief as the Court deems just and proper.

Respectfully submitted this 3RD day of November, 2020.



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CERTIFICATE OF SERVICE

This is to certify that on the 3RD day of November, 2020, a true and correct copy of the foregoing was served upon the following:

Shannon Anderson
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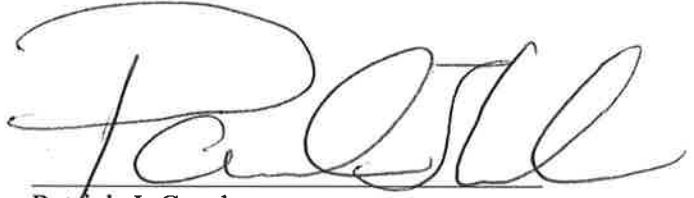
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