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- Counsel for Owner/Operator

**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)

**PETITIONER QUALITY LANDSCAPE AND NURSERY, INC.’s
EXPERT WITNESS DESIGNATION**

Pursuant to Rules 26(a)(2)(A), (B) and (C) of the Wyoming Rules of Civil Procedure, and this Council’s case management Order entered on May 1, 2023; the Petitioner Quality Landscape & Nursery, Inc. (“Petitioner” or “QLN”), by and through its attorney James R. Salisbury, of The Salisbury Firm, P.C, hereby designates the following experts:

1. Craig Kopasz, PE
 ENGINEERING ASSOCIATES
 211 N. 1st Street
 Saratoga, WY 82331
 307.326.8301
 craig.kopasz@eaengineers.com

Mr. Kopasz is a licensed professional engineer. Mr. Kopasz has not been retained or specially employed by Petitioner to provide expert testimony but may present evidence under Wyoming Rules of Evidence 702, 703 or 705. Mr. Kopasz is familiar with the existing sheet pile wall immediately south of the limited mining operation property (“LMO Property”) and situate in the alleyway owned by The Town of Saratoga, Wyoming (“Town”); the failure of the sheet pile wall and the factors contributing to such failure; suitable alternatives for replacement of the failing sheet pile wall; engineering designs, reports and opinions provided by Mr. Kopasz regarding the failure of the sheet pile wall and suitable replacements for such wall; site development plans prepared by Mr. Kopasz including the potential location for installation of utilities on the LMO Property dependent on the location and construction of the structure for a suitable replacement for the failing sheet pile wall; engineering and design services provided by Mr. Kopasz for a suitable replacement for the failing sheet pile wall; and steps he has taken to determine availability, design and specifications for a suitable replacement for the failing sheet pile wall. If called, Mr. Kopasz will offer testimony on some or all of the above-listed areas of testimony. Mr. Kopasz is a non-retained expert in this matter but whose testimony is based, in part, upon his skill, training and/or expertise. Mr. Kopasz has not authored a report. Mr. Kopasz is disclosed in accordance with Rules 26(a)(2)(A) and (C), WYO. R. CIV. P.

2. Brian Goodnough
STATE OF WYOMING
DEPARTMENT OF ENVIRONMENTAL QUALITY
LAND QUALITY DIVISION
c/o David DeWald,
Deputy Attorney General, Wyoming Attorney General's Office

Mr. Goodnough is employed by the Wyoming Department of Environmental Quality – Land Quality Division (“DEQ”) as a Surface Use Hydrologist. Mr. Goodnough has not been retained or specially employed by Petitioner to provide expert testimony but may present evidence under Wyoming Rules of Evidence 702, 703 or 705. Mr. Goodnough is familiar with the existing sheet pile wall immediately south of the LMO Property and situate in the alleyway owned by the Town; inspections of the LMO Property he has performed and his findings resulting therefrom; inspections of the failing sheet pile wall, if any; reports prepared and/or generated by Mr. Goodnough relative to the LMO Property; inclusion of the failing sheet pile wall situate on Town property in the reclamation of the LMO Property, if granted; and proposed actions of DEQ to fortify the failing sheet pile wall as a part of the reclamation process on the LMO Property, if granted. If called, Mr. Goodnough may offer testimony on some or all of the above-listed areas of testimony. Mr. Goodnough is a non-retained expert in this matter but whose testimony is based, in part, upon his skill, training and/or expertise. Mr. Goodnough has not authored a report specific to this proceeding. Mr. Goodnough is disclosed in accordance with Rules 26(a)(2)(A) and (C), WYO. R. CIV. P.

3. Randy W. Stevens
C/O THE SALISBURY FIRM, P.C.
P.O. Box 1617
Cheyenne, WY 82003
307.634.2002

Mr. Stevens is an officer and shareholder of Quality Landscape & Nursery, Inc., the named Petitioner in this matter. Mr. Stevens has not been retained or specially employed by Petitioner to provide expert testimony but may present evidence under Wyoming Rules of Evidence 702, 703 or 705. Mr. Stevens is familiar with all matters pertaining to the LMO Property including, without limitation, the limited mining operation permit for the LMO Property; removal of soils from the LMO Property; reports made to DEQ by Petitioner; the existing sheet pile wall immediately south of the LMO Property and situate in the alleyway owned by the Town; grading plans for the LMO Property; site plans developed for the LMO Property; efforts taken by Petitioner to develop the LMO property including location and installation of utilities and obstacles thereto; requirements imposed on Petitioner by DEQ for the LMO Property; efforts taken by Petitioner to comply with DEQ requirements; communications with DEQ representatives regarding the LMO Property; the reclamation bond posted by Petitioner with DEQ; and the efforts taken by Petitioner to determine a suitable replacement for the failing sheet pile wall and the location thereof. Mr. Stevens will offer testimony on some or all of the above-listed areas of testimony. Mr. Stevens is a non-retained expert in this matter but whose testimony is based, in part, upon his skill, training and/or expertise. Mr. Stevens has not authored a report. Mr. Stevens is disclosed in accordance with Rules 26(a)(2)(A) and (C), WYO. R. CIV. P.

4. All expert witnesses, and corresponding areas of testimony, identified and listed by Respondent DEQ herein.

5. All expert witnesses as may be needed for rebuttal not reasonably anticipated.

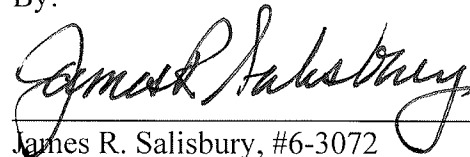
6. Petitioner reserves the right to supplement this expert witness designation as the identity of the same may become known through discovery or otherwise.

DATED: May 16, 2023.

QUALITY LANDSCAPE & NURSERY, INC.

Petitioner

By:

A handwritten signature in black ink, appearing to read "James R. Salisbury", is written over a horizontal line.

James R. Salisbury, #6-3072

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COUNSEL FOR PETITIONER

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on the 16th day of May, 2023, to the following via the method indicated below:

David DeWald
Deputy Attorney General
STATE OF WYOMING,
OFFICE OF THE ATTORNEY GENERAL
Water & Natural Resources Division
David.DeWald@wyo.gov

First Class Mail
 Facsimile
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 Email – *EQC portal*

- *COUNSEL FOR WYOMING DEPT.
OF ENVIRONMENTAL QUALITY*

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