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FILED

FEB 24 2025

ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

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

IN THE MATER OF THE APPEAL FROM)
SMALL MINE PERMIT NO. TFN 7 1/193) Docket No. 24-4802
DANIEL AND LUCYNA SHEFTER, ET AL.)

SUBPOENA DUCES TECUM

**TO: Evans Construction
7255 S. Highway 89
Jackson, WY 83001**

**P O Box 4309
Jackson, WY 83001**

YOU ARE COMMANDED to produce copies of any and all records or regarding the mining operations of Evans Construction, or any other person conducting or who did conduct mining operations in the area of, Sections 20 and 29, T38N, R113W, Sublette County, Wyoming. These records shall include, but not limited to, all records showing ownership of real property including surface and mineral rights like sand and gravel by Evans Construction in Sections 20 and 29, T38N, R113W, Sublette County, Wyoming, all mining permits, including records associated or related to Department of Environmental Quality File Number TFN71/193 and TFN 36/302, and all records involving consultation or communications with all regulatory state, county, or federal agencies regarding mining activity in Sections 20 and 29, T38N, R113W, including the Wyoming Department of Environmental Quality, Sublette County, Wyoming, and the United States Corp. of Engineers. A reasonable fee will be paid for the reproduction of the records. COPIES MAY BE MAILED TO PATRICK J. CRANK, CRANK LEGAL GROUP, P.C., AT THE ADDRESS LISTED BELOW PRIOR TO March 31, 2025.

PLACE OF PRODUCTION:

Crank Legal Group, P.C.
1815 Evans Avenue
Cheyenne, WY 82001

DATE AND TIME:

March 31, 2025 5:00 p.m.

ISSUING OFFICER'S NAME, ADDRESS AND TITLE

Patrick J. Crank
Crank Legal Group, P.C.
1815 Evans Avenue
Cheyenne, WY 82001

DATE: _____

Attorney for Petitioner

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER:

Patrick J. Crank, Crank Legal Group, P.C., 1815 Evans Avenue, Cheyenne, WY 82001, (307) 634-2994

Service of a subpoena on a natural person to whom the subpoena is directed must be made personally and in person. Service of a subpoena on a public or private corporation or a partnership or association under Rule 30(b)(6), Wyoming Rules of Civil Procedure, may be made upon an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process.

PROOF OF SERVICE

SERVED	DATE	PLACE
SERVED ON (PRINT NAME)		MANNER OF SERVICE
SERVED BY (PRINT NAME)		TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the State of Wyoming that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____
Date

SIGNATURE OF SERVER

ADDRESS OF SERVER:

Rule 45(c), (d) and (e), Wyoming Rules of Civil Procedure:

(c) Protection of persons subject to subpoenas.

- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.
- (2)
 - (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
 - (B) Subject to subdivision (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
- (3)
 - (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it:
 - (i) Fails to allow reasonable time for compliance;
 - (ii) Requires, in the case of a deposition or production prior to hearing or trial, a person to travel outside that person's county of residence or employment or a county where that person regularly transacts business in person; or
 - (iii) Requires disclosure of privileged or other protected matter and no exception or waiver applies; or
 - (iv) Subjects a person to undue burden.
 - (B) If a subpoena:
 - (i) Requires disclosure of a trade secret or other confidential research, development, or commercial information; or
 - (ii) Requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the requires of any party; or
 - (iii) Requires a person who is not a party or an officer of a party to incur substantial expense to travel to attend trial,

the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in responding to subpoena.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information or material subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

(e) Contempt. -- Failure by any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of the court from which the subpoena issued. Adequate causes for failure to obey include lack of personal service upon the person subpoenaed, and when a subpoena purports to require a person to attend a deposition or produce prior to hearing or trial at a place not within the limits provided by clause (ii) of subdivision (c)(3)(A).