

Jones; Cindy Jones; Debbie Tripp; Gina Parkhurst; Joyce Braun; 350.org; Chastity Jewett; Dallas Goodtooth; and Ronald Fees.

4. The Sierra Club and the South Dakota Wildlife Federation also failed to respond, but have since withdrawn from the case by order of the Commission.

5. As required by SDCL § 15-6-37(a), William Taylor, another of the lawyers representing Keystone, wrote to these Intervenors on February 11, 2015, asking for responses by February 16, 2015. A representative copy of Mr. Taylor's letter is attached as Exhibit B.

6. None of the Intervenors except for The Sierra Club and the South Dakota Wildlife Federation responded to the letter.

7. Five Intervenors responded to the discovery, but have failed to disclose any substantive information. John Harter, BOLD Nebraska, Carolyn Smith, and Gary Dorr all stated in their discovery responses that they were still investigating their case or had not had time to determine the identity of witnesses or exhibits. Their responses are attached as Exhibits C-F. The Yankton Sioux Tribe objected to all of Keystone's substantive requests and refused to provide any information. Its responses are attached as Exhibit G. The Rosebud Sioux Tribe also objected to all of Keystone's substantive requests.

8. As required by SDCL § 15-6-37(a), William Taylor wrote to these six Intervenors on February 11, 2015, asking that they identify no later than March 10, 2015, document and witnesses they intended to use at the hearing. A representative copy of the letter is attached as Exhibit H. Five of the six did not respond to the letter, but the Rosebud Sioux Tribe later served supplemental answers in which it disclosed the identity of its fact witnesses.

9. Nine Intervenors responded that they do not intend to call any witnesses at the hearing: Paul Seamans; Cindy Myers; Arthur Tanderup; Amy Schaffer; Nancy Hilding; Bruce Boettcher; Roxanne Boettcher; Wrexie Lainson Bardaglio; and Bonny Kilmurry.

10. Eight Intervenors responded and disclosed the identity of witnesses and documents they intend to call or use at the hearing: Elizabeth Lone Eagle; the Standing Rock Sioux Tribe; the Cheyenne River Sioux Tribe; Dakota Rural Action; Indigenous Environmental Network; Intertribal COUP; and Byron and Diana Steskal. The Rosebud Sioux Tribe later served supplemental answers disclosing the identity of its fact witnesses.

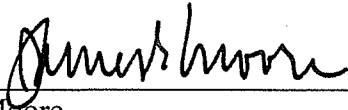
11. The Yankton Sioux Tribe has not supplemented its initial discovery responses, which are attached as Exhibit G.

12. The Yankton Sioux Tribe served two sets of written discovery on Keystone, and Keystone timely responded to both. Keystone's responses are attached as Exhibits I and J.

13. In her initial discovery responses, Cindy Myers did not identify any expert witnesses, but in a supplemental response sent on March 10, 2015, Myers disclosed that she may call Dr. Cleve Trimble, a retired UNMC staff educator/surgeon as an expert witness. A copy of her supplemental response is attached as Exhibit K. Keystone asked in response that if she intended to call Dr. Trimble, she answer Interrogatory 4 with respect to him as soon as possible. A copy of the response is attached as Exhibit L. Myers has not provided any additional information.

14. Under SDCL § 15-6-37(a)(2), I certify that we have attempted in good faith to obtain the requested discovery from the Intervenors addressed in the motion.

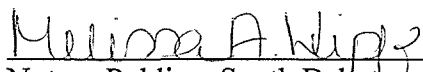
Dated this 23rd day of March, 2015.



James E. Moore

Subscribed and sworn to before me

this 23rd day of March, 2015.



Notary Public – South Dakota **My Commission Expires**
My commission expires: **Sept. 13, 2017**

CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of March, 2015, I sent by United States first-class mail, postage prepaid, or e-mail transmission, a true and correct copy of Affidavit of James E. Moore, to the following:

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By /s/ James E. Moore
William Taylor
James E. Moore

Case Number: HP 14-001
Affidavit of James E. Moore

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