

Hoogestraat's interrogatories to Dakota Access were for the benefit of Objectors as a group of my similarly-situated clients. This was done as a convenience to Dakota Access so that it would need only respond to a single set of interrogatories from my client group instead of up to twelve or more sets of interrogatories.

5. In Paragraph 4 of its Reply Dakota Access argues "The other 23 individuals represented by Mr. Boomsma are not affected by the discovery process as they did not serve any discovery." This is not an accurate statement. All of the Objectors in my client group are affected by the discovery process, and I would further argue that all landowners on the pipeline route are affected by the discovery process, even those who are not a party to this proceeding.

6. With regard Paragraph 5 of the Reply, Dakota Access contends that it "substantively" answered all but one (1) of Hoogestraat's interrogatories. This is not an accurate statement as the unsigned answers provided on May 2, 2015 provided the following:

- a. Dakota Access stated objections to Interrogatory Nos. 6, 7, 10, 12, 24, 26, 27, 28, 34, 35, 39, 44, and 47;
- b. Interrogatory Nos. 40, 41, and 42 asked for explanations why the pipeline route is not further from the Tea and Harrisburg growth plan areas or the Sioux Falls landfill, and Dakota Access did not provide an explanation and simply stated "See the March 19, 2015 filing made in Docket HP14-002." That document is not responsive to these three interrogatories.
- c. Interrogatory Nos. 50, 51 and 52 ask whether Dakota Access has studied the probability and effect of oil releases, and Dakota Access's response is that it is "currently studying" those items. Further, Dakota Access only answered 1 of 12 subparts of Interrogatory No. 52.

7. In Paragraph 5 of the Reply, Dakota Access contends that ‘a reply was provided to the 1 missing interrogatory on May 11, 2015.’ This is not entirely true. Dakota Access served its signed set of answers on May 11, 2015 which contained some information regarding the “missing interrogatory” (No. 11) and Mr. Koenecke further stated in an e-mail “I am still awaiting information on the FBE coatings which I’ll forward to you on receipt.”

8. The unsigned set of interrogatory answers served by Dakota Access on May 2, 2015 modified the answers to Interrogatory Nos. 1 and 11, and the unsigned version did not contain the attachments that were relevant to many responses.

9. In its Reply, Dakota Access takes offense at Yankton Sioux Tribe’s alleged “mischaracterization of the discovery process thus far” and “allegations that Dakota Access conducted itself with bad faith or inappropriately.” Yet, as set forth above, Dakota Access discounts the importance of discovery as to all landowners, and has provided late, incomplete and sometimes evasive responses.

10. Attached hereto are the following documents in support of this Affidavit:

Exhibit A: Dakota Access, LLC’s May 2, 2015 unsigned discovery responses;

Exhibit B: Dakota Access, LLC’s May 11, 2015 signed discovery responses;

Exhibit C: May 8, 2015 email from attorney Koenecke.

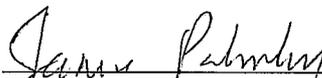
11. Further your affiant sayeth not.

5/19/15



Glenn J. Boomsma

Subscribed and sworn before me this 19 day of May, 2015.


Notary Public – South Dakota
My Commission Expires: 3-10-16

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