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FILED
EPA REGION VIII
WEARING CLERK

December 15, 2010

Regional Hearing Clerk
EPA Region 8
1595 Wynkoop Street
Denver CO 80202-1129

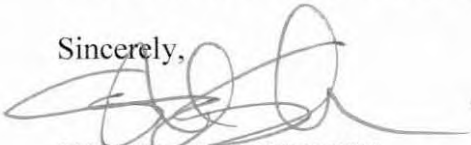
**RE: IN THE MATTER OF WENDY MEALER AND DENNIS STOKEBRAND
DOCKET NO. FIFRA-08-2010-0017**

Dear Regional Hearing Clerk :

Please find the enclosed Respondents' Interrogatories, Requests for Production and Admissions with accompanying Certificate of Service in the above-described matter.

Please contact me if there are any questions.

Sincerely,



STEVEN D. SANDVEN
Attorney for Wendy Mealer and
Dennis Stokebrand

Enclosures

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ATTORNEY FOR WENDY MEALER AND DENNIS STOKEBRAND

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

In the Matter of:

Wendy Mealer and Dennis Stokebrand,

Respondents.

Docket No. FIFRA-08-2010-0017

RESPONDENTS'
INTERROGATORIES, REQUESTS FOR
PRODUCTION AND ADMISSIONS
(FIRST SET)

TO: PETITIONER/COMPLAINANT:

You are hereby requested to answer the following Interrogatories, Produce the Requested Documents, and respond to the Requested Admissions in the manner, form, and time required.

INSTRUCTIONS

1. These requests seek information and documents within your knowledge and ability to procure up to the date that they are answered and provided but the interrogatories and requests shall be deemed continuing, so that any additional information or documents that come within your knowledge or possession relating to any of the interrogatories or requests herein shall be furnished to the Respondent within five days thereafter as supplements to the answers and responses already made by you, and with the same formality under oath.
2. If it is claimed that any documents requested are privileged, constitute work product, or are otherwise claimed to be protected from disclosure, and you refuse

to produce such documents, then you must identify the specific privilege or protection which you claim, and identify the document for which you assert the privilege as set forth in Instruction 3, below.

3. For each document that you refuse to produce under a claim of privilege or other protection from discovery, provide a statement under oath, from a person having direct knowledge of the document that includes the following for each such document:
 - a. The name and title of the author;
 - b. The name and title of each person to whom the document was addressed;
 - c. The name and title of each person to whom a copy of the document was sent;
 - d. The name and title of each person who had access to the document;
 - e. The date of the document;
 - f. The number of pages in the document;
 - g. A general description of the nature and subject matter of the document;
 - h. The nature of the claim of privilege, immunity, or protection from discovery; and
 - i. The present location of the original and each copy of the document together with the name and address of the custodian(s) of the original and copies.
4. Documents requested in these requests include documents that are outside of your possession, custody, and control as well as documents in your immediate possession, custody, and control. For each document no longer in your possession, custody and control, identify the name and title of the author, the name and title of the addressee, the date of the document(s), the subject matter of the document(s), the last date in which the document was in your possession, custody, or control, the person or entity now in possession, custody, or control of the document(s), the reason(s) for your disposition or release of the document(s), the identity of all persons who have knowledge of the circumstances surrounding the disposition or release of the document(s), and the knowledge each such person has.
5. You are required to produce requested documents as they are kept in the usual course of business, or to organize and label them to correspond with the categories of these requests. Accordingly, whenever a document or group of documents is taken out of a file folder, file drawer, file box, or notebook, before the same is produced, you are requested to attach thereto a copy of the label and the file folder, file drawer, file box, or notebook from which the document or group of documents was removed.

6. If the answer to any Interrogatory is that you lack knowledge of the requested information, then describe all efforts that you have made to obtain the information necessary to answer the Interrogatory.
7. For requests that you “identify” someone, you are to state that person’s name, address, e-mail address, phone number, facsimile number, current employer, and employment position.

DEFINITIONS

1. “You” or “Your”, unless otherwise stated or the context clearly means someone else, means the person answering these discovery requests and his or her agents and attorneys.
2. “Petitioner” mean the Complainant.
3. “Communication” or “Discussion” mean any form of oral or written interchange, transmission or exchange of words, thoughts, information, opinions, statements, presentations, discussions, conversations, speeches, or transmission of ideas and thoughts of any kind, whether person-to-person, in a group, in a meeting, by telephone, letter, telefax, electronic mail, and otherwise, and includes, without limitation, any printed, typed, handwritten, electronic, or otherwise readable or decipherable documents and data and any tape recordings, correspondence, memoranda, reports, contracts, diaries, logbooks, minutes, notes, letters, studies, summaries, surveys, and forecasts.
4. “Document” or “Documents” shall be construed as including but not being limited to, any written, printed, typed, drawn or other graphic matter of any kind or nature, photographs, and all mechanical, electrical, and magnetic recordings, whether an original, copy, or a non-identical copy, however reproduced or altered, including but not limited to e-mails, papers, letters, correspondence, telegrams, inter or intra office communications, memoranda, notes, notations, notebooks, reports, accounting books or records of minutes of meetings, contracts, invoices, transcripts, publications, scrapbooks, diaries, or any drafts, revisions, or amendments of the above, in the possession of or under the control of Petitioner its agents and attorneys.

INTERROGATORIES

1. Identify the individual responding to these Interrogatories.
2. Identify each individual who helped you answer any of these interrogatories.
3. Identify all documents to which you, or anyone on your behalf, resorted to or consulted in aid of your answers to these Interrogatories.

4. State the name, business address, and business telephone number of each person who investigated any aspect of this case for you, whether a report was prepared, and the date of each such report.
5. State the name, home address, home telephone number, business address, and business telephone number of each person who has given you a written or recorded statement concerning any aspect of this case.
6. Identify each photograph, diagram, object, or other tangible item you intend to offer in evidence during the trial of this matter.
7. State the name, home address, home telephone number, business address, and business telephone number of each person you intend to call as a non-expert witness during the trial of this matter.
8. For each person you intend to call as an expert witness during the trial of this matter, state the name, profession, business address, and business telephone number of the expert, and for each such expert state:
 - a. His or her educational background, giving the names of the educational institutions attended, the dates of attendance, and the degrees earned with the dates thereof;
 - b. His or her professional specialty, if any;
 - c. His or her experience within the field, giving dates, names, and addresses of employers, if any; dates, names, and addresses of institutions with which he or she has been associated, if any; and any other applicable experience, including dates and places;
 - d. The names of all professional societies or associations with which he or she has been related or has maintained membership, stating his or her status with each and the inclusive dates of such status;
 - e. The title, name of publication, name of publisher and date of publication, of any published articles, books, etc., authored by each such person;
 - f. Whether he or she has ever been a witness in any other lawsuit and, if so, for each such lawsuit, give the name of the suit, the nature of the suit involved, the name of the court, the approximate date of the testimony, and the name and address of the parties or attorneys for whom he or she gave evidence;
9. For each expert identified in the answer to the previous Interrogatory, state the opinions to which the expert is expected to testify.
10. For each expert opinion set forth in answer and as to each fact that is in any way relied upon by such expert in arriving at his or her opinion, state:
 - a. The name and address of the person supplying such facts.
 - b. The form in which such facts were supplied to such person.

11. For each expert or lay witness you intend to call at the trial, state whether you have paid or agreed to pay and compensation and/or expenses.
12. If you have paid or agreed to pay any compensation and/or expenses to any witness, for each such witness state:
 - a. What amounts you have paid or agreed to pay; and
 - b. Describe the compensation agreement (hourly, daily, percentage, etc.).
13. State the name, business address, and business telephone number of each person who investigated any aspect of this case, whether a report was prepared, and the date of each such report.
14. State the name, home address, home telephone number, business address, and business telephone number of each person who has given Petitioner a written or recorded statement concerning any aspect of this case.
15. Identify each photograph, diagram, object, or other tangible item Petitioner intends to offer in evidence during the trial of this matter.
16. State the name, home address, home telephone number, business address, and business telephone number of each person Petitioner intends to call as a non-expert witness during the trial of this matter.
17. For each person Petitioner intends to call as an expert witness during the trial of this matter, state the name, profession, business address, and business telephone number of the expert, and for each such expert state:
 - a. His or her educational background, giving the names of the educational institutions attended, the dates of attendance, and the degrees earned with the dates thereof;
 - b. His or her professional specialty, if any;
 - c. His or her experience within the field, giving dates, names, and addresses of employers, if any; dates, names, and addresses of institutions with which he or she has been associated, if any; and any other applicable experience, including dates and places;
 - d. The names of all professional societies or associations with which he or she has been related or has maintained membership, stating his or her status with each and the inclusive dates of such status;
 - e. The title, name of publication, name of publisher and date of publication, of any published articles, books, etc., authored by each such person;
 - f. Whether he or she has ever been a witness in any other lawsuit and, if so, for each such lawsuit, give the name of the suit, the nature of the suit involved, the name of the court, the approximate date of the testimony,

and the name and address of the parties or attorneys for whom he or she gave evidence;

18. For each expert identified in the answer to the previous Interrogatory, state the opinions to which the expert is expected to testify.
19. For each expert opinion set forth and as to each fact that is in any way relied upon by such expert in arriving at his or her opinion, state:
 - a. The name and address of the person supplying such facts.
 - b. The form in which such facts were supplied to such person.
20. For each expert or lay witness Petitioner intends to call at the trial, state whether it has paid or agreed to pay and compensation and/or expenses.
21. If Petitioner has paid or agreed to pay any compensation and/or expenses to any witness, for each such witness state:
 - a. What amounts it has paid or agreed to pay; and
 - b. Describe the compensation agreement (hourly, daily, percentage, etc.).
22. State the legal description for the lands described in paragraph 16 of the Complaint.
23. State the legal description(s) where the signs described in paragraph 17 of the Complaint were located at the time of the alleged violation.
24. State the legal description(s) for the "area" described in paragraph 18 of the Complaint.

REQUESTS FOR PRODUCTION OF DOCUMENTS

1. Please produce all documents that support your answer to Interrogatory 22.
2. Please produce all documents that support the LLC's answer to Interrogatory 23.
3. Please produce all documents that support your answer to Interrogatory 24.
4. Please produce all documents that support your answer to Interrogatory 3.
5. Please produce all documents that support your answer to Interrogatory 4.
6. Please produce all documents that support your answer to Interrogatory 5.
7. Please produce all documents that support your answer to Interrogatory 6.

8. Please produce all documents that support your answer to Interrogatory 13.

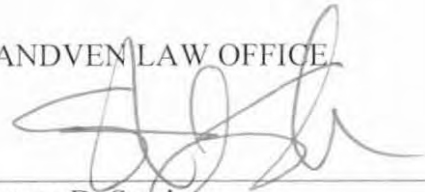
9. Please produce all documents that support your answer to Interrogatory 14.
10. Please produce all documents that support your answer to Interrogatory 15.
11. Please produce a map designating the ferret reintroduction area.
12. Please produce a map designating the location of signage described in Interrogatory 17.

REQUEST FOR ADMISSIONS

1. Admit that the Rosebud Sioux Tribal Council directed the Department of Fish and Wildlife and the Department of the Interior to relocate the ferrets to another location outside the jurisdiction of the Rosebud Sioux Tribe and to release the Tribe from any further responsibilities therefore.
2. Admit that the Rosebud Sioux Tribal Secretary searched Tribal records on April 9, 2007 and concluded "[t]he Rosebud Sioux Tribal Secretary's office did research our records regarding the Black Footed Ferret reintroduction and maps. Resolution 03-81, which adopts and approves the request to implement the Rosebud Prairie Management Plan, is the only resolution that was submitted with an attached map. According to our records, this is the only approved resolution on record with an attached map."
3. Admit that the boundaries of the reintroduction area were not delineated via Rosebud Sioux Tribal Council Resolution.

Dated this 15th day of December, 2010.

SANDVEN LAW OFFICE



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CERTIFICATE OF SERVICE

The undersigned attorney, attorney for Plaintiff hereby certifies that on the 15th day of December, 2010, that the original and a true and correct copy of the foregoing ~~RESPONDENTS' INTERROGATORIES, REQUESTS FOR PRODUCTION AND ADMISSIONS (FIRST SET)~~ was mailed by first-class mail to:

Regional Hearing Clerk
EPA Region 8
1595 Wynkoop Street
Denver CO 80202-1129

A copy via first class mail to:

Barbara A. Gunning
Administrative Law Judge
EPA Office of Administrative Law Judges
1200 Pennsylvania Avenue, NW
Mail Code 1900L
Washington DC 20460-2001

A copy via first class mail to:

Eduardo Quintana, Esq.
United States Environmental Protection Agency
Region 8, Office of Enforcement, Compliance and
Environmental Justice
1595 Wynkoop Street (ENP-L)
Denver, CO 80202-1129

Dated this 15th day of December, 2010.



STEVEN D. SANDVEN