

June 24, 2011

Clerk
Otsego County Circuit Court
Suite 204
225 W. Main Street
Gaylord, Michigan 49735

Re: **Michigan Department of Environmental Quality, et al. v
Golden Lotus, et al.**
Case No. 09-12933-CE

Dear Clerk:

Enclosed for filing are an original and Judge's copy of Intervening Plaintiffs' Response to Defendant's Motions to Strike Burroughs' Affidavit and Add USEPA Letter, together with Proof of Service.

Thank you for your assistance in this matter.

Yours very truly,


Peter L. Gustafson

vb

Enclosures

c: Pamela J. Stevenson (w/enc)
William M. Schlecte (w/enc)
Harry Ingleson II (w/enc)
(via electronic & regular mail)
Kay Pagel, Secretary to Judge Murphy (via facsimile w/encs)

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**STATE OF MICHIGAN
IN THE 46TH JUDICIAL CIRCUIT
COUNTY OF OTSEGO**

MICHIGAN DEPARTMENT OF
ENVIRONMENTAL QUALITY, et al.

Plaintiffs,

and

MICHIGAN COUNCIL OF TROUT
UNLIMITED, a Michigan non-profit
corporation, and PIGEON RIVER COUNTRY
ASSOCIATION, a Michigan non-profit
corporation,

Intervening Plaintiffs

vs.

GOLDEN LOTUS, Incorporated,

Defendant,

Case No.: 09-12933-CE

Hon. Dennis F. Murphy

**INTERVENING PLAINTIFFS' RESPONSE
TO DEFENDANT'S MOTIONS TO STRIKE
BURROUGHS' AFFIDAVIT AND ADD
USEPA LETTER**

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Co-Counsel for Defendant

Intervening Plaintiffs request that the Court deny Defendant Golden Lotus' Motion to Strike the Response Affidavit of Dr. Bryan A. Burroughs because: (1) Intervening

Plaintiffs expressly reserved the right to file the affidavit on the record at the May 25, 2011 hearing, as a condition to Golden Lotus' submission of three previously undisclosed affidavits that were offered in evidence during the hearing; (2) the Burroughs' affidavit responds specifically, directly and properly to the three new affidavits; and (3) the Burroughs' affidavit was timely filed, in fewer pages than the three new affidavits it responds to.

In further answer to the motion to strike and the motion to add USEPA Letter, Intervening Plaintiffs state as follows:

1. Hearing on Intervening Plaintiffs' motions was originally scheduled for Monday, May 2, 2011, but was adjourned by the Court until May 10, 2011, after Golden Lotus filed voluminous response papers (including four affidavits among 84 exhibits) on the Friday before the hearing. Intervening Plaintiff's motions were both filed weeks in advance of the originally scheduled hearing date.¹

2. Golden Lotus objected to the Court's order resetting the hearing because of a scheduling conflict, and hearing was further adjourned to May 25, 2011, three weeks after the original hearing date.

3. Following argument at the May 25 hearing, the motions were submitted to the court on the written evidence and affidavits that had been filed by the parties. As the hearing was underway, however, Golden Lotus presented three previously undisclosed affidavits (GL Exhibits 91-93). Nonetheless, to facilitate the hearing, Intervening Plaintiffs did not object to the new affidavits on the express understanding that Dr. Bryan Burroughs, their technical representative throughout this case, would have an opportunity to respond by counter-affidavit.

¹ Golden Lotus repeatedly states that Intervening Plaintiffs filed reply papers not permitted by the Court Rules. Golden Lotus cites no rule, and Intervening Plaintiffs are not aware of any such proscription under the Michigan Court Rules. Intervening Plaintiffs' filings in this matter have been timely and in compliance with the rules.

Intervening Plaintiffs agreed to do so by June 2, 2011. Dr. Burroughs' response affidavit, dated May 28, 2011, was filed on May 31, 2011.

4. The Burroughs affidavit appropriately and directly responds to the previously undisclosed Golden Lotus affidavits, and violates no stipulation placed on the record at the May 25 hearing:

(a) The first part of the Judy Tracey affidavit (GL Exhibit 91) recounts her recollection of comments made by Dr. Burroughs at a Huron Pines meeting held in 2008 (before this case was filed), where he had been invited to attend as a dam removal expert. Ms. Tracey's affidavit indicates that she reviewed virtually all of Intervening Plaintiffs' motion papers in this case, and states that she was present at the Huron Pines meeting which Dr. Burroughs attended "as an expert on dam removal." She then went on to characterize Dr. Burroughs' opinions on dam removal purportedly expressed at the meeting, including how Dr. Burroughs defined "dam removal" and what he meant by that term. At the specific request of Golden Lotus' counsel, the Huron Pines meeting was "off the record" and no minutes were taken. Hence, it is necessary and appropriate for Dr. Burroughs to have the opportunity to explain what he said at the meeting and why.

(b) In his response affidavit Dr. Burroughs states what he said at the meeting and why, consistent with his experience, and his professional understanding of dam removal consistently expressed at meetings, lectures and presentations, such as the Huron Pines meeting Ms. Tracey attended. It was perfectly proper for him to do so.² In no way was Dr. Burroughs' right to respond hamstrung by any subjective impression of Golden

² Golden Lotus incongruously argues that Dr. Burroughs was not entitled in his response affidavit to comment on his opinions about dam removal as an expert, even though Ms. Tracey described his role and purpose at the meeting as that of an invited expert, and then proceeded to mischaracterize the opinions he expressed on an important issue in the case.

Lotus as what he could say, and Dr. Burroughs was not constrained by any such limitation.

(c) The remainder of the Tracey affidavit, set out in paragraphs 14-24, presents Ms. Tracey's views *on virtually every issue in the case* as to what happened during mediation, settlement negotiations, and in the meetings and events leading to Intervening Plaintiffs' motions (including whether Dr. Burroughs was included as an active participant in the more recent dam removal process). She offered this unabashed testimony even though she lives in Toronto, Canada and had no direct personal participation in mediation, settlement negotiations, or in those events. Under the circumstances, how can Golden Lotus plausibly criticize Dr. Burroughs' response as going beyond the scope of Ms. Tracey's affidavit? The fact is that Dr. Burroughs provided a completely proper and focused response, in fewer pages than the three previously undisclosed affidavits presented by Golden Lotus on May 25.

(d) The Walker and Schuman affidavits (GL Exhibits 92-93) stated that 27 years ago they observed the gates of the Golden Lotus dam open and water flowing freely through the opening. There is no basis for Golden Lotus to suggest that Dr. Burroughs' right to respond, expressly reserved on the record, was somehow limited to a "lay witness" statement and that his response could not explain why an observer, such as Walker or Schuman, might see water flowing through a dam with the gates open, but that this does not mean the impoundment is empty or that the river is no longer constrained by the spillway at the bottom of the dam. Again, Dr. Burroughs' response, in less than two pages, responds directly in a focused way to the Walker and Schuman

affidavits, not by attacking their credibility, but by explaining their observations from the perspective of one who studies dams.

5. Intervening Plaintiffs acted in compliance with their reservation of the right to file the Burroughs response affidavit, as placed on the record at the hearing. The transcript of the hearing records the pertinent discussion on pages 58-59, 62-63 (attached). Intervening Plaintiffs were afforded the right to file a reply affidavit limited to the points raised in the three new affidavits, and Dr. Burroughs did so. Later in the hearing, the Court specifically inquired about the issue of how dam removal is defined, and Golden Lotus pointed again to the Tracey affidavit. Intervening Plaintiffs offered either to call Dr. Burroughs for testimony on that subject, or submit the reply affidavit. It is disingenuous for Golden Lotus to contend now that Dr. Burroughs was not entitled to address this very point in his reply to the Tracey affidavit, after Golden Lotus offered up this new affidavit in direct response to the Court's inquiry. (See attached transcript, pps. 82-84).

6. Golden Lotus has filed not only an improvident motion to strike, but now five more affidavits, and more recently, a USEPA Letter. Clearly, the Court did not at the hearing countenance an endless series of submissions regarding Intervening Plaintiffs' motions, nor was Golden Lotus given the chance to have the "last word", particularly where the need for the Burroughs' affidavit arose out of Golden Lotus' submission of previously undisclosed affidavits at the hearing, in answer to motions that had been pending for almost two months.

7. Several of the new affidavits filed with the motion to strike offer opinions on the meaning of Part 315 of NREPA, the Dam Safety Act. Golden Lotus has previously made various assertions about the Act, including the contention that drawdown of an impoundment equals dam removal (it does not), and that a dam can be removed without removing its spillway

(it cannot – the Act expressly defines the spillway as an appurtenance that is part of the dam, and defines removal as the physical elimination of the dam). Now, Golden Lotus advances the argument that once it removes “selected dam infrastructure” as set forth in its permit application, the dam will be “removed” because under that Act, a dam “when completed” is subject to regulation if it is more than six feet in height and impounds more than five acres of water. Golden Lotus apparently contends that as long as it takes out enough of the structure so that the remaining parts of the dam are less than six feet high, and impound less than five acres of water, the “dam removal” is complete. This novel contention is not supported either by the text of the Dam Safety Act or a common-sense understanding of the legislature’s intent, when it defined “removal” as physical elimination of the dam (the dam being expressly defined to include appurtenant works).

8. In its most recent filing, Golden Lotus submits a USEPA letter providing comment under the Endangered Species Act on Golden Lotus’ permit application. Golden Lotus points to the introductory paragraph of the letter, suggesting that it was intended to reflect an opinion by the USEPA that the work proposed in the permit application constitutes dam removal. The suggestion is false. Attached is an email communication from Melanie Haveman, the author of the letter at USEPA named as the contact person in the correspondence, who states that she simply reiterated what the applicant (Golden Lotus) said in the permit application, and that “the statement was not meant to be an interpretation of what is meant by “dam removal.” (See attached Gustafson affidavit and email correspondence.)

9. The new affidavits bring the total submitted by Golden Lotus to nine, and the USEPA letter is GL Exhibit 99, just shy of the century mark. Nonetheless, in the interest of closing the hearing on their motions, Intervening Plaintiffs will waive objection to Golden Lotus’

submission of the new affidavits and the USEPA letter (along with the clarifying email) if the motion to strike is denied (or withdrawn) and if this will conclude the matter. Moreover, in lieu of appearing for hearing on the Golden Lotus motion, Intervening Plaintiffs will not object to an Order from the Court, *sua sponte*, granting Golden Lotus leave to file the additional affidavits and the USEPA letter (and the attached email) if the motion to strike is denied and this will put the matter to rest.

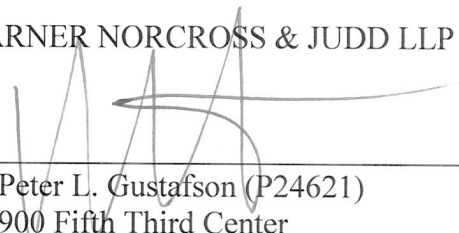
WHEREFORE, Intervening Plaintiffs respectfully request that this Court:

1. Deny Golden Lotus' Motion to Strike.
2. In the Court's discretion,³ accept without the need for further hearing Golden Lotus' new affidavits and the USEPA letter and attached email, as to which Intervening Plaintiffs waive objection as stated herein.
3. Alternatively, conduct a hearing on Golden Lotus' motion to determine whether defendant is entitled to make an additional submission of five more affidavits in reply to a single response affidavit that Intervening Plaintiffs, for good reason, expressly reserved the right to file on the record.

Date: June 24, 2011

WARNER NORCROSS & JUDD LLP

By


Peter L. Gustafson (P24621)
900 Fifth Third Center
111 Lyon, N.W.
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616-752-2000

Attorneys for Intervening Plaintiffs

5543514

³ Intervening Plaintiffs do not control the Court's docket, the administration of the case, or whether the Court will entertain further submissions after the close of the hearing. Accordingly, it was not appropriate for them to "stipulate" to an open-ended request by Golden Lotus to file additional material before those papers were presented for consideration.

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STATE OF MICHIGAN

46TH JUDICIAL CIRCUIT COURT (OTSEGO COUNTY)

MICHIGAN DEPARTMENT OF ENVIRONMENTAL
QUALITY and STEVEN E. CHESTER,
MICHIGAN DEPARTMENT OF NATURAL RESOURCES,

Plaintiffs,

and

File No. 09-12933-CE

MICHIGAN COUNCIL OF TROUT
UNLIMITED, a Michigan non-profit
Corporation, and PIGEON RIVER COUNTRY
ASSOCIATION, a Michigan non-profit
Corporation,

Intervening Plaintiffs,

v

GOLDEN LOTUS, INC.,

Defendant.

_____ /

EVIDENTIARY HEARING AND/OR
MOTION TO CLARIFY AND ENFORCE INTERIM ORDER

BEFORE THE HONORABLE DENNIS F. MURPHY, CIRCUIT JUDGE

Gaylord, Michigan - Wednesday, May 25, 2011

APPEARANCES:

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For Intervening
Plaintiff: MR. PETER L. GUSTAFSON (P24621)
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(At 10:45 a.m., court reconvened)

THE COURT: Thank you. We're recording now. You may be seated. Ready?

MR. GUSTAFSON: Yes, your Honor.

THE COURT: Go ahead.

MR. GUSTAFSON: Counsel have had an opportunity to confer and what we've agreed on, your Honor, is that the parties will submit for consideration by the Court and stipulate to the submission of the exhibits and affidavits that have been presented in connection with the motions and responses so that those papers will be deemed admitted for purposes of the Court's consideration of the motions.

Mr. Schlecte has a couple of additional affidavits that he has -- has shown to me and as part of the arrangement we've discussed I've agreed that those can come in as part of the record provided that Dr. Burroughs would have an opportunity to file a short reply affidavit to those only within a few days from today, and I would say by June 2nd. Those are affidavits that -- that we hadn't seen before today.

Now, on submitting the record, I would note that we're not waiving the intervening plaintiffs' position as to what the Court ought to consider in ruling on the motions, but we leave that to the Court and its determination based on its understanding of the law and the wording of the

1 order, and such evidence as it deems appropriate to consider
2 in responding to the motions; which would be the same
3 situation were we to proceed with testimony on those
4 exhibits.

5 I certainly invite -- oh, and -- and I think Ms.
6 Stevenson -- I've asked whether she would make a brief
7 comment on the implementation phase of the project going
8 forward as to the participation part of our motion, the
9 supplement to the motion. Since the permit application has
10 now been accepted by the State and is in the process of
11 review, you know, that's really a fait accompli, but we're
12 going forward with the implementation and I think she may
13 have a brief comment in that regard that might help the
14 Court in resolving that issue.

15 MR. SCHLECTE: Your Honor, may I approach the
16 bench with these exhibits?

17 THE COURT: Are those the ones you're talking
18 about?

19 MR. GUSTAFSON: Those are the affidavits that the
20 Court has not received. Now, --

21 MR. SCHLECTE: And then also the two letters that
22 were part of our correspondence. I can relate on the record
23 what these are, if that's acceptable to you, Mr. Gustafson.

24 MR. GUSTAFSON: Yes, it is.

25 MR. SCHLECTE: Your Honor, may I do so?

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THE COURT: That'll be confusing.

MR. GUSTAFSON: That's fine.

MR. SCHLECTE: Your Honor, may I approach the bench with these additional exhibits?

THE COURT: What are the numbers?

MR. SCHLECTE: This is GL Exhibit 89, which is my letter to Ms. Stevenson on December 20, 2010, copied to Mr. Gustafson. Is this picking me up here? GL Exhibit, Golden Lotus Exhibit 90, nine zero, which is my letter to Ms. Stevenson on December 26, 2010 copied to Mr. Gustafson. GL Exhibit 91 -- and actually, Judge, I have a full list of exhibits I can present to the Court as well.

THE COURT: I'm just wondering what numbers are you adding?

MR. SCHLECTE: Yeah, GL Exhibit 91, which is the affidavit of Judy Tracy; GL Exhibit 92, the affidavit of Thomas Walker; GL Exhibit 93, the affidavit of Carl Schuman. And if I may approach?

THE COURT: Yes.

(At 10:51 a.m., counsel hands exhibits to Court)

THE COURT: Thank you.

MR. SCHLECTE: Thank you. And we have agreed with Mr. Gustafson that he will be allowed to have Dr. Burroughs submit a counter-affidavit limited to those very narrow items which appear in the last three exhibits, the

1 affidavits of Judy Tracy, Carl Shuman and Thomas Walker.

2 MR. GUSTAFSON: Yes, your Honor.

3 MR. SCHLECTE: And, your Honor, in -- in closing
4 for us, I would like, if the Court would indulge me just two
5 minutes to do a quick reply to the rebuttal of Mr.
6 Gustafson. Since we're not doing any testimony I'd like
7 that opportunity. I don't want to call it final argument,
8 but there were a couple of points he made that I could
9 perhaps elucidate for the Court.

10 THE COURT: Well, let's finish the exhibit
11 stipulation first.

12 MR. SCHLECTE: We're all done with that.

13 THE COURT: The exhibit and affidavit
14 stipulation -- well, I haven't heard from the attorney
15 general.

16 MS. STEVENSON: We're in agreement, your Honor.
17 We'll stip -- we'll stipulate to the reliance on the record
18 that has been provided to the Court and the additional
19 affidavits that Mr. Schlecte has provided.

20 THE COURT: What am I going to do if the
21 affidavits are polar opposites? How am I supposed to figure
22 it out?

23 MR. SCHLECTE: If the Court wishes testimony once
24 you go through the record as submitted, we're more than
25 happy to reappor- -- reappear before the Court to take

1 direct examination and cross-examination. We'll be happy to
2 do that.

3 I -- your Honor, may I -- may I also add? I agree
4 with Mr. Gustafson that this interim order is crystal clear;
5 it's just -- it reads -- I -- I don't know how they come up
6 with the interpretation. I didn't even address that in my
7 argument when Mr. Gustafson said it was conspicuous by its
8 absence, is because I beat that to a dead horse in my brief.
9 You -- you read that interim order and it doesn't make any
10 sense if you try to interpret it the way that TU and PRCA
11 say it should be interpreted.

12 THE COURT: What do you mean?

13 MR. SCHLECTE: There's an existing bridge. The
14 existing bridge, if you remove the abutments -- the
15 abutments are what support that bridge, and that's a given.
16 And we've provided not only engineering studies, but -- you
17 know, Judge, if you want to indulge me I can turn the
18 projector on. I have pictures of the dam. That -- the
19 abutments support the superstructure. The spillway is the
20 lateral support to the abutments. You cannot remove the
21 abutments or the spillway and end up with a, quote,
22 "existing bridge." We were required to provide an opinion
23 of a qualified structural engineer that it was structurally
24 sound. It is. The instant you do what TU and PRCA say we
25 should do, you remove that structural soundness.

1 for the Court's consideration.

2 THE COURT: All right. That's all I was asking.

3 MR. GUSTAFSON: Yes.

4 THE COURT: All right. Well -- okay. Now, Mr.
5 Schlecte, this morning you stated that the phrase "dam
6 removal" or "removal of the dam structure," that phrase is
7 not crystal clear as Mr. Gustafson mentions in his argument.
8 You state it does have some ambiguities, so you have to look
9 at the intent. And you stated that -- that even -- even
10 their expert Burroughs admitted or acknowledged that in the
11 industry or in the -- in the world of dam engineering, civil
12 engineering related to dams and dam construction and so
13 forth that that -- that phrase is not -- doesn't always mean
14 a hundred percent; you can remove components and remove a
15 dam. Where did -- is that a stipulated fact?

16 MR. SCHLECTE: Exact --

17 THE COURT: I mean, you mentioned that in your
18 oral argument, but I haven't heard any -- any evidence on
19 that.

20 MR. SCHLECTE: Actually, I have an affidavit. One
21 of the most recent ones is the affidavit of Judy Tracy who
22 was present at the October 31, 2008 meeting at Huron Pines.
23 And if the Court will permit me, I'll check on the language.
24 But she remembers specifically that that statement was made,
25 if the Court will give me a moment.

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THE COURT: Do you agree with that affidavit?

MR. GUSTAFSON: No, your Honor.

THE COURT: Well, what do you have in reply to it? Because how am I supposed to sort this out?

MR. GUSTAFSON: Well, on that point I could call Dr. Burroughs right now for limited testimony only as to that affidavit, which has just been presented this morning. That won't take days of testimony and we can deal with that right now and resolve it and at least have the Court hear the testimony on that limited subject.

THE COURT: Are both of the witnesses here?

MR. SCHLECTE: Judy Tracy's not, your Honor. She's in Toronto.

MR. GUSTAFSON: But Dr. Burroughs is certainly here to respond and that would put his -- that would obviate the need for me to submit a reply affidavit. And it might be better for the Court anyway.

THE COURT: Well, does the -- maybe -- maybe Ms. Stevenson knows.

Does the -- does the term "dam removal" -- I mean, does that have a special technical meaning in the field of engineering and construction of dams, or does it mean what it says? Layman -- layman inferences would be "removal" means removal, not take a bit here and a bit there.

MS. STEVENSON: Well, your Honor, we had our --

1 THE COURT: Do you know?

2 MS. STEVENSON: We have our dam removal expert
3 available to testify if the Court will like to take limited
4 testimony.

5 THE COURT: Well, it's not really what I'd like.
6 I'm just wondering if this issue's --

7 MS. STEVENSON: No.

8 THE COURT: -- addressed, because it seems to be
9 an important point. Is --

10 MS. STEVENSON: I --

11 THE COURT: -- the issue --

12 MS. STEVENSON: I --

13 THE COURT: -- addressed in any of the affidavits?

14 MS. STEVENSON: I can tell you that from -- from
15 my interpretation of having discussions with our experts
16 regarding dam removal and that discussion has included three
17 of the potential witnesses that are here today in the
18 courtroom. Dam removal and dam removal plans that have
19 existed within the state of Michigan have a wide range. It
20 is a -- it is a -- a broad definition of what would
21 encompass dam removal.

22 THE COURT: You mean it has many possible
23 interpretations?

24 MS. STEVENSON: Yes.

25 THE COURT: Well, --

**STATE OF MICHIGAN
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MICHIGAN DEPARTMENT OF
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MICHIGAN COUNCIL OF TROUT
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vs.

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Defendant,

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Hon. Dennis F. Murphy

**AFFIDAVIT OF
PETER L. GUSTAFSON**

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734-302-1050
Attorney for Defendant


Harry Ingleson II
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Petoskey, MI 49770
231-347-8708
Co-Counsel for Defendant

Peter L. Gustafson, being duly sworn, deposes and says:

1. I am counsel for Intervening Plaintiffs in this case.
2. This affidavit responds to defendant Golden Lotus' June 16, 2011 Motion to Add U.S. Environmental Protection Agency June 13, 2011 letter to Record.
3. Attached hereto is a true and accurate copy of an email message I received from Melanie Haveman of USEPA, who is the contact person identified in the June 13, 2011 USEPA correspondence and who authored that letter. Ms. Haveman confirms in her message that the letter was not intended by USEPA to express any interpretation of what is meant by the term dam removal. The letter simply described the project by way of introduction as it was presented by the applicant, Golden Lotus, in the permit application.

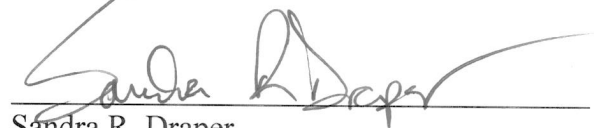
Further deponent sayeth not.

Date: June 24, 2011



Peter L. Gustafson

Subscribed and sworn to before me on June 24, 2011.



Sandra R. Draper
Notary Public, Kent County, Michigan
Acting in Kent County
My Commission Expires: 2-10-13

Gustafson, Peter

From: Haveman.Melanie@epamail.epa.gov
Sent: Wednesday, June 22, 2011 3:25 PM
To: Gustafson, Peter
Subject: Re: Golden Lotus, Inc 6-13-11 EPA Comments

Dear Mr. Gustafson:

This e-mail is in response to your inquiry regarding EPA's June 13, 2011 comment letter that was written in response to the MDEQ Public Notice No. 11-69-0001-P, Golden Lotus, Inc.

I reviewed this project and composed comments that incorporated those provided to us by the U.S. Fish and Wildlife Service. You specifically asked about the purpose of the first paragraph of the letter in which I described what was proposed in the Public Notice. The purpose of this paragraph was to reiterate what was being proposed by the applicant; the applicant described the project as a "dam removal" within the project narrative (Attachment C, page 1), and therefore, I included that language within the project description paragraph of our comments. This statement was not meant to be an EPA interpretation of what is meant by "dam removal".

Please, contact me if you have any additional questions regarding this matter,

Sincerely,
Melanie Haveman
Watersheds and Wetlands Branch
U.S. EPA (ww-16j)
77 W. Jackson Blvd
Chicago, Illinois 60604
312-886-2255

**STATE OF MICHIGAN
IN THE 46TH JUDICIAL CIRCUIT
COUNTY OF OTSEGO**

MICHIGAN DEPARTMENT OF
ENVIRONMENTAL QUALITY, et al.

Plaintiffs,

And

MICHIGAN COUNCIL OF TROUT
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ASSOCIATION, a Michigan non-profit
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Intervening Plaintiffs

vs.

GOLDEN LOTUS, Incorporated,

Defendant,

Case No.: 09-12933-CE

Hon. Dennis F. Murphy

PROOF OF SERVICE

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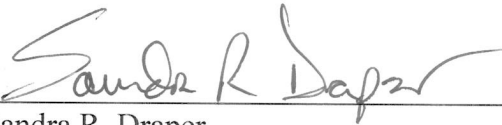
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Sandra R. Draper states that she is an employee of Warner Norcross & Judd LLP, and that on June 24, 2011, she served a copy of Intervening Plaintiffs' Response to Defendant's

Motion to Strike Burroughs' Affidavit and Add USEPA Letter on Pamela J. Stevenson, William M. Schlecte, and Harry Ingleson II by electronic and first-class mail.



Sandra R. Draper

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