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Nebraska, North Dakota,
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BANGS McCULLEN
— LAW FIRM —

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MINERALS & MINING PROGRAM

Reply to Rapid City Office

Writer's e-mail address: mhickey@bangsmccullen.com

August 15, 2013

Mr. Mike Cepak
DENR Minerals & Mining Program
523 East Capitol Ave.
Joe Foss Building
Pierre, SD 57501-3182

Re: LARGE SCALE MINING PERMIT - POWERTECH (USA) INC.

Dear Mr. Cepak:

I enclose for your information and records the original **Black Hills Wild Horse Sanctuary, Susan Watt, & Dayton Hyde's Expert Witnesses Disclosure** along with an original **Certificate of Service**.

By copies of this correspondence, the same are being served on all counsel of record and upon the participation Status A List attached to the certificate of service. Thank you.

Sincerely,

BANGS, McCULLEN, BUTLER,
FOYE & SIMMONS, L.L.P.

Michael M. Hickey

MMH:clr
Enclosure
cc w/enc.:

- Clients
- Rex Hagg
- Charles McGuigan
- Steven R. Blair
- Richard M. Williams
- Max Main
- Roxanne Giedd
- Bruce Ellison
- Status A Participants List

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MINERALS & MINING PROGRAM

**STATE OF SOUTH DAKOTA
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
BOARD OF MINERALS AND ENVIRONMENT**

**IN THE MATTER OF THE LARGE
SCALE MINE PERMIT APPLICATION
OF POWERTECH (USA) INC.**

**BLACK HILLS WILD HORSE
SANCTUARY, SUSAN
WATT, & DAYTON HYDE'S
EXPERT WITNESSES
DISCLOSURE**

Black Hills Wild Horse Sanctuary, Susan Watt, and Dayton Hyde, by and through their attorney, hereby designate the following expert witnesses:

1. **Robert E. Moran, Ph.D.
Michael-Moran Assoc., LLC
Golden, CO**

Dr. Moran will testify to his opinions as set forth in his deposition of August 1, 2013, and his report dated August 9, 2013. A copy of Dr. Moran's *Curriculum Vitae* is attached hereto as Exhibit 1. A copy of his report is attached as Exhibit 2.

2. **Donald Frankenfeld
Frankenfeld Associates
815 St. Joseph Street
Rapid City, SD 57701**

Mr. Frankenfeld will testify to his opinions as set forth in his report dated August 15, 2013. Mr. Frankenfeld's *Curriculum Vitae* is attached hereto as Exhibit 3. His report is attached as Exhibit 4.

[Remainder of Page Intentionally Left Blank]

Dated this 15th day of August, 2013.

BANGS, McCULLEN, BUTLER,
FOYE & SIMMONS, L.L.P.

BY:



MICHAEL M. HICKEY
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**Attorneys for Black Hills
Wild Horse Sanctuary,
Dayton Hyde and Susan Watt**

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MINERALS & MINING PROGRAM

STATE OF SOUTH DAKOTA

**DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
BOARD OF MINERALS AND ENVIRONMENT**

**IN THE MATTER OF THE LARGE
SCALE MINE PERMIT APPLICATION
OF POWERTECH (USA) INC.**

Certificate of Service

The undersigned hereby certifies that he served copies of **Black Hills Wild Horse Sanctuary, Susan Watt, and Dayton Hyde's Expert Witnesses Disclosure** upon the persons herein next designated, all on the date below shown:

**Mike Cepak
Minerals and Mining Program
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523 East Capitol
Pierre, SD 57501**

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Richard M. Williams
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Belle Fourche, SD 57717-1489**

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Rapid City, SD 57709-8008**

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**Bruce Ellison
P.O. Box 2508
Rapid City, SD 57709-2508**

and upon each of the persons shown in the attached list, including Libraries, by depositing copies thereof in the United States mail at Rapid City, South Dakota, postage prepaid, in envelopes addressed to said addressees, which are the last addresses of the addressees known to the subscriber.

Dated this 15th day of August, 2013.

BANGS, McCULLEN, BUTLER,
FOYE & SIMMONS, L.L.P.

BY:



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**Attorneys for Black Hills
Wild Horse Sanctuary,
Dayton Hyde/Susan Watt**

In the Matter of the Large Scale Mine Permit Application of Powertech (USA) Inc.
(Participation Status A List & Libraries)

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Rapid City, SD 57701

Sylvia Lambert
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Robert E. Moran, Ph.D.
Michael Moran Associates, L.L.C.
Water Quality/Hydrogeology/Geochemistry
Golden, Colorado, U.S.A.
remwater@gmail.com

EDUCATION

University of Texas, Austin: Ph.D., Geological Sciences, 1974
San Francisco State College: B.A., Zoology, 1966

PROFESSIONAL HISTORY

Michael-Moran Associates, LLC, Partner, 2003 to present
Woodward-Clyde Consultants, Senior Consulting Geochemist, 1992 to 1996
Moran and Associates, President, 1983 to 1992; 1996 to 2003
Gibbs and Hill, Inc., Senior Hydrogeologist, 1981 to 1983
Envirologic Systems, Inc., Senior Hydrogeologist / Geochemist, 1980 to 1981
Tetra Tech Intl./ Sultanate of Oman, Senior Hydrogeologist, 1979 to 1980
Science Applications, Inc., Geochemist / Hydrologist, 1978 to 1979
U.S. Geological Survey, Water Resources Div., Hydrologist / Geochemist, 1972 to 1978
Texas Bureau of Economic Geology, Research Scientist Assistant, summers: 1970 & 1971

REPRESENTATIVE EXPERIENCE

Dr. Moran has more than 40 years of domestic and international experience in conducting and managing water quality, geochemical and hydrogeologic work for private investors, industrial clients, tribal and citizens groups, non-governmental organizations, law firms, and governmental agencies at all levels. His experience includes the following representative project assignments.

2003 to Present: Michael-Moran Associates, LLC:

- Contraloría General de la República & IKV Pax Christi, Bogota, Colombia. Provide assistance and training to the independent auditing arm of the Colombian government on mining & environmental audits and legislation.
- The Black Hills Wild Horse Sanctuary, and Bangs, McCullen, South Dakota. Expert opinions and testimony before State regulatory agencies regarding the proposed Dewey-Burdock in-situ uranium operations.
- Sims Murray Ltd. and the Town of Florence, Arizona. Review of Town nuisance ordinance related to proposed in-situ mining and aquifer impacts. Expert opinions for litigation.
- Wild Salmon Center & World Wildlife Federation (Russia), Moscow, Russia. Elaboration and presentation of mining and water-related issues to members of Russian government, industry and the environmental communities.
- Citizens of Cañon City / Colorado Citizens Against Toxic Waste, Inc. (CCAT); Cañon City, Colorado. Technical assistance to citizen's group on hydrogeologic

- and geochemical issues related to contamination from disposal of radioactive, etc. materials at the Cotter uranium mill site.
- Environmental Defender Law Center and GRUFIDES (NGO), Cajamarca, Peru. Review of Environmental documents relating to the Conga Mine; site visit; report preparation.
 - Roanoke River Basin Association; Virginia. Assistance on technical issues related to proposed uranium mine and processing facilities; presentations to public and regulators; participation in government planning meetings.
 - Human Development Center "Tree of Life"; Bishkek, Kyrgyzstan. Review of operations at Kumtor Gold Mine using funds from Bankwatch, Kiev, Ukraine.
 - Za Zemiata (Sofia) and the University Autònoma de Barcelona; Krumovgrad, Bulgaria. Review of the EIS for a proposed gold mine; municipal / public meeting presentations; prepare report using E.U. funds.
 - Powder River Basin Resource Council; Oshoto, Wyoming. Review of Strata Energy NRC License Application to operate an in-situ leach uranium operation; provide technical opinions.
 - Pro Património (the National Trust of Romania); Brussels, Belgium. Presentation to members of European Union Parliament regarding environmental aspects associated with the proposed Rosia Montana Mine, Romania.
 - Trustees for Alaska. Prepared expert report on hydrogeologic and water quality impacts from exploration activities at the Pebble Mine site. Opinions prepared for litigation in Alaska Superior Court on behalf of *Nunamta Aulukestai, et. al. v. State of Alaska, et. al.* (Pebble Limited Partners); deposition and trial testimony. ✓
 - Bank Information Center and Earthworks, Washington, D.C. Report on hydrogeologic and geochemical impacts at the proposed Weda Bay, Indonesia, cobalt-nickel mine; delivered to Multilateral Investment Guarantee Agency.
 - IKV Pax Christi (Netherlands), Bogota, Colombia. Prepare mining-environmental best practices report for presentation to Colombian Ministry of Environmental Affairs.
 - Oglala Sioux Tribe, Western Mining Action Project, Gonzalez Law Firm, South Dakota. Review of Powertech License Application and provide expert opinions: Dewey-Burdock In Situ Uranium Project.
 - Comisión de Gestión Integral de Aguas de Bolivia (Commission for the Integrated Management of Bolivian Waters) and Federación Regional Única de los Trabajadores Campesinos del Altiplano Sud (Regional Farmers Federation of the Southern Altiplano), Bolivia. Review of present mining activities and documents related to the San Cristobal Mine. Activities funded by the Municipality of Colcha K (Potosí, Bolivia), the Centro de Estudios de la Universidad de San Simón, Cochabamba, and Global Green Grants Fund.
 - Shute, Mihaly & Weinberger / San Diego State University Research Foundation. Review of hydrogeologic / environmental impacts associated with quarry construction near a university wildlife refuge.

- Sarah Vogel Law Firm, North Dakota. Litigation support and evaluation of environmental impacts resulting from a release of oilfield waters onto livestock lands and waters.
- IKV Pax Christi (Netherlands), Tolima, Colombia. Technical review of proposed La Colosa gold project (Anglo Gold Ashanti); interaction with regulators, civil society and company; prepare recommendations & report.
- Thompson Divide Coalition, Western Colorado. Technical assistance to a consortium of environmental groups in designing and conducting a baseline water sampling program in anticipation of gas drilling activities. Preparation of summary report.
- Global Green Grants / Nature's Own, Papua New Guinea. Prepare technical / policy papers on marine disposal of mining wastes.
- SAVIA, School of Ecological Thought / Comision Pastoral Paz y Ecologia, Guatemala. Presentations on ecological aspects of resource legislation to Guatemalan government ministries, high-level officials, and educational institutions. Conduct water quality training classes; assist with development of laboratory capabilities.
- Astrella & Rice, Colorado, U.S.A. Technical assistance in preparing litigation arguments for citizen lawsuit involving alleged drinking water contamination by oil and gas activities.
- Office of the Prime Minister, Iraqi Kurdistan. Development of information infrastructure and management training for numerous ministries in Northern Iraq; done in partnership with faculty of American University, Washington, D.C. Headed an audit team for the Regional Statistics Organization.
- Southwest Research and Information Center / Buryat Regional Organization on Baikal / Mongolia Nature Protection Coalition; Buryatia, Siberia, Russia and northern Mongolia. Technical information exchanges with local NGOs, government officials and mining company staffs.
- Rulison Citizens Group / Public Counsel of the Rockies. Colorado. Development of technical arguments and potential litigation support intended to define environmental issues related to gas development near the Rulison underground nuclear test site. Hearing testimony. ✓
- The Nature Conservancy, Trout Unlimited, Alaska Conservation Foundation, Trustees for Alaska and Renewable Resources Coalition, Alaska. Presentations to public interest groups and development of technical issues and papers relating to construction of the Pebble copper-molybdenum-gold mine, proposed for operation above the largest sockeye salmon fishery in the world.
- Wild Salmon Center, Alaska. Technical evaluation of hydrogeological and chemical issues that may impact fisheries near the proposed Pebble Mine.
- Miller, Axline & Sawyer / Meyers, Nave, Riback, Silver & Wilson / City of Grass Valley, California. Technical and litigation support in a suit alleging contamination by Newmont Mining Corporation; deposition testimony. ✓

- Latin American Water Tribunal. San Salvador, El Salvador. Prepare presentations and conduct workshops on water and water quality. Funding: Heinrich Boll Foundation.
- Alburnus Maior, Rosia Montana, Romania. Evaluation of EIA and preparation of summary report on a proposed gold mine in Transylvania. Funded by the Staples Trust, U.K. and the Open Society Foundation, Romania.
- Asociacion de Desarrollo Social Santa Marta (ADES), El Salvador. Evaluate EIA and related documents, El Dorado Mine; technical presentation at national forum; prepare review report. Funded by DIAKONIA, Swedish Ecumenical Action.
- Alburnus Maior, Romania. Review documents and prepare comments related to development of proposed Rosia Montana Mine for a Romanian NGO.
- La Lumiere, Senegal and WACAM, Ghana. Conducted water quality training sessions for NGO and government staffs, as related to mining and other development activities. Funded by Oxfam America.
- ESRI (Environmental Systems Research Institute). Provide technical assistance to several Iraqi Ministries to define information management needs, deploy map-based systems (GIS), and establish a Middle East-based Center of Excellence to support these ministries. Performed in conjunction with NGA.
- Colectivo Madre Selva, Guatemala. Evaluation of Marlin Mine site, review of EIA and preparation of report; attendance at national and indigenous mining forums; conducted water quality training; review of CAO / IFC documents. Funded partly by Misereor, Catholic Bishops' Development Organization, Germany.

1996 to 2003: Moran and Associates, Inc.:

- International Union for Conservation of Nature and Natural Resources (IUCN, Switzerland). Review of the Mining and Metals Supplement of the Global Reporting Initiative (GRI).
- World Bank, Extractive Industry Review. Member of Advisory Group assisting WB in evaluating extractive industry practices; London, Lisbon.
- Nishnawbe Aski and other Ontario First Nation bands—Ontario, Canada. Review of environmental documents relating to Montcalm Mine, a proposed copper-nickel facility. Activities paid for by Falconbridge Limited.
- Kazakh Institute of Physics and Technology / ISTC—Almaty, Kazakhstan. Technical oversight of environmental program, evaluating migration of radionuclides at the Semipalatinsk Nuclear Test site.
- Greenpeace Argentina / Mineral Policy Center—Esquel, Argentina. Review of EIA (water, environ. issues) and conditions at proposed mine in Patagonia.
- Oxfam America / Sahel Development Foundation: Syama Mine, Southern Mali. Review of environmental conditions and documents related to an IFC-funded gold mine (2003); conduct technical workshops and policy meetings with Mali government and press (2004).

- Kivalina Relocation Planning Committee—Alaska. Litigation support to Center on Race, Poverty & the Environment regarding water quality issues, Red Dog Mine. Deposition testimony. ✓
- Asociacion de Organismos No Gubernamentales—Santa Rosa de Copan, Honduras. Independent review of water / environmental issues at San Andres mine; funded by Dan Church Aid (Danish government and NGOs) and Christian Aid (English NGO).
- Oxfam America / Friends of the Earth Int'l. / Global Green Grants—Quellaveco, Peru. Independent review of mining, water and environmental issues at request of Asociacion Civil "Labor", Lima.
- Oxfam America / Mineral Policy Center / Environmental Mining Council of B. C.: Tambogrande, Peru. Independent review of mining water and environmental issues. Includes numerous public presentations to citizens and governmental groups, including members of the Peruvian Congress.
- New Mexico Environment Department—New Mexico. Review of cost estimates for water treatment systems for closure plans / bonding calculations, Chino and Tyrone Mines.
- International Institute for Environment and Development—London, U.K. Consultant to MMSD project on sustainable development / mining issues.
- Technical Chamber of Greece—Thrace, Greece. Technical assistance to advisory arm of the Greek government and citizens groups regarding gold mining / environmental issues.
- Malerah-Wahlabul Native Title Claimants / Friends of the Earth—Sydney, Australia. Review of water quality issues related to cyanide leach gold operations on aboriginal lands, and testimony at Land and Environment Court. ✓
- Loeb Aron & Co.—London, U.K. Preparation of report evaluating the Baia Mare, Romania waste spill for an investment banking firm.
- Centro de Investigacion y Planificacion del Medio Ambiental (CIPMA) / World Resources Institute / International Development Research Centre—Chile. Evaluation of environmental costs associated with copper mining in Chile.
- Carl Duisberg Gesellschaft / Univ. of Witwatersrand / United Nations—South Africa. Training in cyanide and environmental technology assessment issues.
- Dogrib Nation / Pape and Salter—Yellowknife, Canada. Geochemical consulting and testimony regarding the proposed Diavik diamond mine. ✓
- Soros Foundation Kyrgyzstan—Bishkek, Kyrgyzstan. Water quality instruction to regulators and NGOs regarding mining, sampling, laboratory procedures, and general environmental issues. Review laboratory.
- General Chemical / Sierra Club—Piceance Basin, Colorado. Review of water quality, treatment, legal and policy issues regarding the proposed Yankee Gulch soda ash mine; hearing testimony. ✓
- Sierra Club Legal Defense Fund / Okanogan Highlands Alliance—Crown Jewel Mine, Washington. Litigation support on water quality, geochemistry, treatment issues to groups opposing proposed gold operation; test case on federal mining law; deposition testimony.

- National Wildlife Federation—Carlota Mine, Arizona. Litigation support for challenge of EPA regarding water quality/ treatment issues at copper mine. Review of TMDL issues related to Pinto Creek for NWF and local citizens.
- International Rivers Network—Review of proposed dam project and associated mine water quality issues at the San Roque site, Philippines.
- Mineral Policy Center—Preparation of technical documents on the environmental behavior, analysis and toxicity of cyanides.
- Holnam Industries—Penrose, Colorado. Ground water quality/ geochemistry study for cement operation.
- World Resources Institute—mining water quality/ geochemistry assistance on Venezuelan forestry / mining environmental regulations, and environmental economics of copper mining practices, Chile.
- U.S. EPA / American Geological Services—French Gulch, Colo. Geochemical / treatment /remediation support at an abandoned mine site; negotiated Superfund issues.
- Stoel Rives / Richmond Hill Mine, So. Dakota. Review water quality treatment and geochemistry issues at a closed gold mine site with discharge violations.
- Nacho Nyak Dun First Nation / Pape and Salter—Yukon, Canada. Evaluation of proposed heap-leach gold mining facilities and practices for native group and barristers.

1992—1996: Woodward-Clyde Consultants, Inc.

-Molycorp / Unocal—Questa, New Mexico. Review of water quality, geochemical, & aquatic biology issues at a molybdenum mine / mill site.

-Minera Escondida Ltda.—Chile. Review of geochemical data for copper mine.

-Homestake Mining—Lead, South Dakota, U.S.A. Review of water quality and geochemical problems and waste rock storage and tailings stability issues.

-U.S. Bureau of Land Management / Summo Minerals—Lisbon Valley, Utah. Review of water quality and geochemistry, and assistance in preparation of an EIS at a proposed copper mining and recovery site.

-Southern Peru Copper Corp.—Toquepala, Peru. Design and oversight of water quality, geochemistry, and remediation issues at an open-pit copper mine, mill, and waste facilities.

-Cortez Mining/ Placer Dome / U.S. Bureau of Land Management - Pipeline Project, Nevada. Review of water quality and geochemistry and preparation of EIS-related reports at this proposed open pit gold site.

-Kennecott Utah Copper. Interacted with the law firm of Bogle and Gates to assist an active metal mining company in defending against a CERCLA listing. Activities

involved interpreting water quality/geochemical and other environmental data within the Hazardous Ranking System (HRS) context.

- ASARCO - Leadville, Colorado. Oversight of water quality and geochemical activities at a historic metal mining and processing site where the client is involved in CERCLA negotiations. Interaction with State and EPA representatives and legal staff.
- Cambior Minerals - Metates Mine, Mexico. Water quality and geochemistry evaluation of a new gold property.
- Fraser Stryker and the Lindsey Chemical Co. - Nebraska. Technical support to legal staff involved in negotiations regarding a Superfund industrial processing site.
- W.R. Grace - Motorwheel Site, Michigan. Technical assistance to Grace legal staff involved in CERCLA negotiations at a hazardous waste site.
- Zortman Mining Co. / U.S. Bureau of Land Management. Technical and management responsibilities for water resources and geochemistry tasks in preparation of revised EIS at a gold-cyanide leach site with existing acid drainage problems.
- Echo Bay Mining, Lamefoot Mine, Republic, Washington. Responsible for geochemistry and water quality aspects of a supplemental EIS at a new gold mine site. Development of monitoring, testing and remedial recommendations to the BLM.
- Angelina Farms, Louisiana. Technical support to legal staff of oil production companies accused of contaminating groundwaters with brines.
- Amax Gold / Haile Mining, South Carolina. Water quality consulting at a gold mining site with existing acid drainage problems.
- Chino Mines, New Mexico. Technical evaluation of water quality and geochemical issues associated with leaching operations at an operating copper facility.

1983 to 1992: Moran and Associates, Inc.:

- Shea and Gardner / Rockwell--Rocky Flats Nuclear Plant, Colorado. Reviewed and evaluated geochemical studies; proposed future activities in preparation of potential environmental-criminal litigation.
- Saunders, Snyder, Ross and Dickson / American Water Development, Inc. - San Luis Valley, Colorado. Coordinated water quality and geochemistry activities in support of water rights litigation. Oversaw water quality sampling, evaluated water quality and remote sensing data, assisted attorneys in technical strategy development and opponents' depositions; supplied deposition testimony. ✓

-Arnold and Porter / Keystone Ski Corporation - Keystone, Colorado. Designed water quality and geochemical sampling program for ski area expansion in a previously mined area. Evaluated data and proposed remediation activities.

-Advanced Sciences, Inc. / EG&G - Rocky Flats Nuclear Plant, Colorado. Evaluated existing water quality and geochemical sampling programs; prepared document on non-facility related sources of chemical constituents and background.

-City of Brighton - Brighton, Colorado. Evaluated existing surface and groundwater quality data and suggested remedial activities to deal with excessive manganese and dissolved organic concentrations. Provided testimony to City Council. ✓

-Chadwick & Associates, Inc. / Newmont Mining - Telluride, Red Mountain, Colorado. Provided diverse water quality and geochemical consulting relating to remediation of acid mine drainage problems.

-Intergraph Corp. - Reston, Virginia. Assisted in technical development and marketing of a new environmental data management / GIS product.

-U.S. Forest Service - Salmon, Idaho. Geochemical / water quality consultant at the Beartrack mine site, a proposed cyanide-leach gold project.

-Earth Satellite Corporation / Navajo Nation / Patton, Boggs, and Blow - Window Rock, Arizona. Conducted a preliminary reconnaissance of water resources on the joint-use area of the Navajo/Hopi reservations using satellite imagery.

-Mission-Viejo / Morrison and Forester - Denver Basin, Colorado. Acted as a geochemical consultant in a groundwater rights dispute.

-Bunker Hill Corporation / Dames and Moore - Kellogg, Idaho. Reviewed field and laboratory water quality procedures at a CERCLA metal-mining and processing facility. Audited proposed laboratory.

-Saunders, Snyder, Ross, and Dickson / Adolph Coors Company - Golden, Colorado. Water quality consultant; reviewed data from Central City/Blackhawk, CERCLA site, and determined potential impact to the Coors water treatment plant. Provided testimony at stream classification hearings, Colorado Water Quality Control Commission. ✓

-Colorado Water Resources and Power Authority - San Luis Valley, Colorado. Conducted water quality/geochemical and Landsat evaluations of deep groundwater to aid in development decisions.

-Armstrong, Teasdale, Kramer, Vaughan, and Schlafly / Anschutz Corp.-- Fredricktown, Missouri. Supervised technical activities of a CERCLA / SARA-related

lawsuit; acted as a technical liaison with attorneys and regulators; managed consultants; authored reports; deposition testimony. ✓

-Holland and Hart / White and Jankowski / Weller, Friedrich, Ward and Andrew / Breckenridge Ski Corporation - Breckenridge, Colorado. Technical supervision of water quality-related issues in a private lawsuit against Breckenridge Ski Corporation. Managed sampling and data interpretation; interacted with attorneys on strategy and assisted at depositions; authored reports; expert witness. ✓

-Dames and Moore / Hecla Mining Corporation - Leadville, Colorado. Acted as hydrogeological/geochemistry consultant to Hecla on a natural resources damage suit; interacted with attorneys at Davis, Graham and Stubbs.

-Dames and Moore / Davis, Graham and Stubbs - Eagle Mine, Colorado. Supervised water quality/hydrogeology activities in preparation of a legal defense of Gulf and Western Corporation versus the State of Colorado in a natural resources damage suit; supervised and participated in all sampling; QA activities and report preparation; interacted with attorneys and regulators; assisted at depositions; deposition testimony; testified before Colorado Water Quality Control Commission on appropriateness of proposed metals standards. ✓

-Jacobs Engineering - Albuquerque, New Mexico. Prepared policy documents on water quality/geochemistry procedures associated with the Uranium Mill Tailings Remedial Actions Project (UMTRA).

-University of Wisconsin. Designed a proposed groundwater exploration program for Gambia, West Africa, in conjunction with Earth Satellite Corporation.

-Harza Engineering Company / University of Michigan - Senegal, Guinea, and Gambia, West Africa. Evaluated potential impacts of new dam construction within the Gambia River basin. Reviewed local hydrogeology, mining production and exploration data; interacted with local officials.

-Engineering-Science, Inc. Faisalabad, Pakistan. Assisted in design of a well field for a groundwater supply in the central Punjab where high salinity and TDS were major problems; negotiated with local officials; prepared reports for Asian Development Bank.

1981-1983: Gibbs & Hill, Inc.

-Holme Roberts and Owen - Canon City, Colorado. Reviewed and interpreted existing hydrogeology and water quality data at the Cotter uranium mill and tailings; proposed future activities; interpreted background concepts, prepared position papers for attorneys in negotiations with State of Colorado.

-Earth Satellite Corporation - Sultanate of Oman. Conducted an interpretive study of regional groundwater potential in Oman, with the staff of Earth Satellite Corporation. Activities included interpretation of existing geology and Landsat imagery combined with conventional low altitude flight and ground reconnaissance. Prepared reports for government of Oman.

-Anschutz Mining Corporation - Fredericktown, Missouri. Managed water resource-related activities for environmental baseline studies at a proposed cobalt/ nickel mine. Designed sampling programs, oversaw sampling, data interpretation, and report preparation.

-Kemmerer Coal Company - Frontier, Wyoming. Managed and conducted hydrogeologic and water quality studies at a proposed open-pit coal mine. Supervised well installation, aquifer testing, sampling, report preparation; interacted with state regulators.

-Anaconda Copper Company - Rico, Colorado. Conducted an investigation of hydrology, water chemistry, and aquatic biology at a complex-ore mining district.

-Union Carbide Corporation - Uravan, Colorado. Managed and conducted a water quality monitoring program for a proposed uranium tailings disposal area and effluent evaporation basin. Assisted in design of geochemical testing program to evaluate potential leachate quality.

-Anschutz, Mining Corporation - Laredo, Texas. Managed and conducted an investigation of groundwater hydrology and soils geochemistry and associated hazardous wastes at a metal ore handling and reagent storage facility. Designed sampling protocol; prepared reports; negotiated with state regulators; interacted with attorneys at Baker, Botts.

-Snowmass Coal Company - Carbondale, Colorado. Managed and conducted hydrogeology investigation of an underground coal mine with steeply dipping seams.

-Marline Uranium Corporation / Union Carbide Corporation - Danville, Virginia. Managed water resources portion of a baseline investigation at a proposed hard-rock uranium mine site. Oversaw well installation monitoring programs and dewatering investigations.

-Southern Pacific Petroleum - Means, Kentucky. Conducted baseline hydrogeological/geochemical investigations at a proposed oil shale mine and retort facility.

1980-1981: *Envirologic Systems, Inc.*

-Central Arizona Association of Governments - Globe/Miami, Arizona. Conducted study to determine hydrogeologic/geochemical impact of long-term copper mining and processing facility. Designed monitoring programs; interacted with federal, state, local and tribal officials; prepared numerous reports.

-United Nuclear - Homestake Partners - Milan, New Mexico. Conducted hydrogeological/geochemical evaluation of an existing monitoring program for a uranium milling and waste-disposal facility.

-Homestake Uranium - Marshall Pass, Colorado. Hydrogeological / geochemical evaluation of a proposed, hardrock, open-pit uranium mine.

1979-1980: Sultanate of Oman / Tetra Tech International - Muscat, Oman. Member of Water Resources Council Staff, Sultanate of Oman, based in Muscat, Oman. The Water Resources Council was an inter-ministerial body intended to coordinate all water-related activities within the Sultanate. Duties involved planning and design of surface and groundwater projects (both exploration and utilization) for the Omani government; development of water resources policy for the government; hydrogeological field work on both exploration and resource characterization projects - aquifer testing, borehole geophysics, water quality sampling, hydrogeologic mapping; review of work performed (or planned) by other consultants to the government, published reports on water resources of Oman.

1978-1979: Science Applications Inc.:

-EG&G - Idaho National Engineering Laboratory, Idaho Falls, Idaho. Managed a hydrologic investigation of transuranic nuclide migration in groundwater. Contributed geochemical expertise to evaluation of waste isolation and transport modeling.

-Kerr-McGee Corporation - Grants, New Mexico. Conducted investigation into geochemistry of selenium associated with uranium mining/ milling.

1972—1978: U.S. Geological Survey Water Resources Division; responsible for the design, management, and implementation of the following hydrogeological / geochemical studies:

-Metal-Mine Drainage - Colorado. Study of impacts of mining activities (metals, uranium, coal) on the quality of streams in all major Colorado mining districts.

-Selenium in Groundwater - Golden, Colorado. Hydrogeological / geochemical investigation of selenium, uranium and associated constituents at the margins of the Rocky Flats nuclear plant.

-Geothermal Resources - Colorado. Reconnaissance investigation of potential geothermal resources throughout Colorado.

-Underground Coal Mine Water Quality - Colorado. Evaluation of existing and potential water quality problems from underground coal mines.

-In Situ Uranium Leaching - Grover, Colorado. Study of geochemical and hydrologic processes associated with in situ uranium mining and reinjection of waste products.

-Alluvial Metal Transport - Telluride, Colorado. Investigation of metal (especially chromium) movement from tailings ponds into alluvium.

-Southwest Colorado Groundwater - Colorado. Study to determine availability and quality of groundwater in southwestern Colorado.

-Oil Shale Waters - Piceance Basin Colorado. Evaluation of disposal of saline groundwater discharged to the surface during oil shale development.

-Grace Coal Site - Axial Basin, Colorado. Hydrogeological / water quality study of proposed open-pit coal site.

1970, 1971, Summers: Texas Bureau of Economic Geology. Evaluation of the aqueous geochemistry and biochemistry of Gulf Coastal sedimentary sulfur and uranium deposits and their relationships with hydrocarbons: interpretation of geologic and geophysical logs, water quality data.

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Robert E. Moran, Ph.D.
Michael-Moran Assoc., LLC
Water Quality/Hydrogeology/Geochemistry
Golden, Colorado, U.S.A.
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Priority Dewey-Burdock Concerns / Impacts

The application and explanation provided by PT is incomplete because the D-B area has been negatively impacted by past uranium mining and exploration activities, which have never been adequately remediated. The site contains more than 4000 exploration boreholes, most of which have never been adequately plugged.

The application and explanation provided by PT is incomplete because the proposed project will use tremendous volumes of ground water, which may negatively restrict future uses of surface waters and ground waters.

The application and explanation provided by PT is incomplete because, based on experiences from other similar *in-situ leach (ISL)* operations, the D-B activities are likely to have negative impacts on local and possibly regional water levels, well yields, spring flows, and will degrade the quality of local surface waters and ground waters which endanger the health, safety, and general welfare of the people of the state of South Dakota.

The application and explanation provided by PT is incomplete because the D-B ore zones are not hydrogeologically-contained as stated in the PT Application documents. Both the accepted technical literature and the data from existing D-B pump tests indicate that there is leakage of water between the relevant geologic zones.

The application and explanation provided by PT is incomplete because most statements by PT regarding future impacts to D-B area water resources are based on computer simulations that provide only rough approximations of future reality, even in simple, homogeneous, porous media. The D-B sediments are totally non-homogeneous sediments.

The application and explanation provided by PT is incomplete because PT has failed to collect and release adequate detailed data on local hydrogeologic conditions, water quantity, availability and quality to allow the public and regulators to adequately define and evaluate likely future impacts. The application and explanation provided by PT is incomplete because PT plans to perform the detailed testing only after they receive the relevant permits which

endanger the health, safety, and general welfare of the people of the state of South Dakota.

The application and explanation provided by PT is incomplete because PT has failed to present a technically-reliable data set that defines *pre-mining baseline conditions* for water quality (both surface and ground waters). The baseline data presented by PT reflect water quality that has been degraded by past mining activities and past and present uranium exploration drilling activities.

The application and explanation provided by PT is incomplete because the PT application documents fail to present *detailed chemical composition* data on the relevant wastes that will be generated, such as pregnant leach fluids, deep well injection fluids, etc.

The application and explanation provided by PT is incomplete because , essentially all water-related data presented by PT in their various NRC and State Application documents were collected by PT staff or contractors paid and directed by PT. As such, these data result from activities that suffer from inherent conflicts of interest. [Self-monitoring; frequently self-selection of questions and topics discussed].

The application and explanation provided by PT is incomplete because PT has failed to provide detailed data on the specific methods to be used for long-term disposal of liquid wastes, including a detailed water balance, detailed waste chemistry, etc.

The application and explanation provided by PT is incomplete because long-term experience from other *in-situ* leach uranium operations demonstrates that post-mining remediation has not been capable of returning aquifer water quality to true pre-mining conditions. As such, post-mining site waters may not be usable for all desired future uses (i.e. livestock, agricultural, recreational, domestic, etc.). Thus, the long-term costs for additional water treatment of these waters must be borne by the general public, and the public is left with the un-remediated impacts which endanger the health, safety, and general welfare of the people of the state of South Dakota.

The application and explanation provided by PT is incomplete because the PT application documents fail to present a realistic or independently-determined evaluation of the potential financial liabilities that might result from an unforeseen closure of the D-B operations (Financial Assurance). Comparable situations at other metal mine sites have resulted in financial liabilities that were in the range of \$100 to \$300 million, and more. Often these costs (or un-remediated impacts) have been borne by the taxpayers, not the mining companies.

The application and explanation provided by PT is incomplete because it appears that the State and federal regulatory systems lack adequate funding, staffs and political support to ensure viable "checks and balances" related to such an ISL operation. As such, the D-B operations would be largely self-regulated and self-monitored, in fact.

The application and explanation provided by PT is incomplete because PT has not previously operated any ISL mine site and it is not in the best interests of the general public to risk the likely negative, long-term impacts to local water resources by awarding the relevant permits which endanger the health, safety, and general welfare of the people of the state of South Dakota.

Dated this 9th day of August, 2013.


Robert E. Moran, Ph.D.

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Donald L. Frankenfeld
Economist/Financial Expert

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Exhibit 3

PROFILE

Harvard- and Yale-trained economist Frankenfeld testified more than any other expert before the federal September 11th Victim Compensation Fund. With engagements balanced between plaintiff and defense, Frankenfeld testifies and consults on economic, financial and investment matters and serves as an NASD securities arbitrator and mediator. He testified in Mirapex Multi-District Litigation; at a Texas settlement hearing valuing \$262 million (face value) in coupons; and consulted on the Microsoft California class action. Ten percent of his otherwise billable time is pro bono.

EDUCATION

Yale AB cum laude, Harvard Business School MBA, Kennedy School of Government (Harvard) MPA. Study at Harvard as a Bush Foundation Fellow included Advanced Torts, Economics and the Law, Strategy and Conflict, Negotiation, Venture Capital, Harvard Program on Negotiation workshop. Former associate member, New York Society of Security Analysts.

CURRENT EXPERIENCE

Frankenfeld Associates **1984 to Present**
Forensic economist, financial analyst and securities arbitrator. Prepare detailed economic analyses. Extensive state and federal court experience. Experienced in mediation and negotiation. Court-appointed Receiver, Golden Hills Resort (for Homestake Mining Company). Designated NASD arbitrator and mediator.

FAI, Inc. **1997 to Present**
CEO of Internet-based marketing and consulting firm with proprietary skills in virtual intelligence and database-driven websites. Developed first Internet-based voter contact and persuasion system. Principal speaker in multi-state seminar, "Using the Internet to Improve Your Legal Practice."

Dakota Ventures, Incorporated (DVI) **1991 to 2001**
Founder and CEO of bank-sponsored venture fund providing equity to startups. Managing general partner of Frankenfeld Partners, organized to sponsor DVI.

PAST EXPERIENCE

E. F. Hutton **1979 to 1987**
Direct Investment Marketing Manager for California, Texas and Florida. Developed and presented public seminars and training sessions. Annually placed \$50 million, traveled 150,000 miles. National Direct Investment Manager for fee-based Financial Planning Division; coordinated nationwide broker training. Also Branch Office Manager, Registered Options Principal and Account Executive.

Prior
Investment analyst/economist for multi-billion dollar trust department; senior securities analyst for NYSE firm; financial relations consultant; television station controller.

GOVERNMENT AND CIVIC PARTICIPATION

Chair and campaign manager, People for YES on #4 (ATT/Qwest, first-in-nation telecommunications deregulation, 1988). State Senator (1977-1984). Chair, tax committee (authored nationally significant interest rate reforms which caused CitiGroup to locate credit card headquarters in South Dakota); Co-chair, Republicans for Daschle (2004); Chair, NIX on SIX statewide issue campaign (2006).

Former board member: Western Providers (PHO); Wellspring (adolescent counseling); South Dakota Investment Council (\$6 billion fund); Children's Care Center; Rapid City Regional Hospital; United Way of the Black Hills; Center for Restorative Justice. Current board member: Equality South Dakota; Friends of Rapid City Parks. Volunteer financial advisor to St. Martin Monastery.

Frequent public speaker. Former reporter for Harvard Business School *Harbus News*.

Donald L. Frankenfeld
Trial and Deposition Testimony History

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Date	Case	Testimony	Lawyer	Firm	Rep.
Jan-01	Bonnie Herrig	mediation	Robert Moore	Moore Law Firm, Rapid City, SD	plaintiff
Mar-01	Feldhaus v. Shreiner	trial	Patricia Meyers	Costello Porter, Rapid City, SD	plaintiff
May-01	Shabel & Andre v. Krebs, LifeUSA & Allianz Life Ins. Co.	deposition	Steve Beardsley	Truhe Beardsley Jensen et al., Rapid City, SD	plaintiff
May-01	Shabel & Andre v. Krebs, LifeUSA & Allianz Life Ins. Co.	deposition	Richard Huffman	Johnson Eiesland Huffman et al., Rapid City, SD	plaintiff
May-01	Abdallah et al. v. The Coca-Cola Company	affidavit	F. Shields McManus	Gary Williams Parenti Finney et al., Stuart, FL	plaintiff
Dec-01	Garland v. Rossknecht	trial	Tim Rensch	Rensch Law Firm, Rapid City, SD	plaintiff
Jan-02	Kafka for Christensen v. Larson Manufacturing Co., Inc.	deposition	Mark W. Haigh	Davenport, Evans, Hurwitz & Smith, Sioux Falls, SD	defense
Jan-02	Fern Johnson	deposition	Ronald J. Lee	Faegre & Benson, Minneapolis, MN	plaintiff
Mar-02	Richardson v. Richardson	trial	Patricia Meyers	Costello Porter, Rapid City, SD	plaintiff
Mar-02	Butterfield v. Butterfield	trial	Jamie L. Damon	Damon Law, Pierre, SD	plaintiff
Jul-02	Chambers v. Conseco Finance Servicing Corp.	deposition	Jeffrey Maks	Finch Bettman Maks, Rapid City, SD	plaintiff
Dec-02	Digna Alexandra Rivera-Costanza (9/11 victim)	videotaped testimony	Barry R. Temkin	Jacobowitz, Garfinkel & Lesman, New York, NY	claimant
Jan-03	Shabel & Andre v. Krebs, LifeUSA & Allianz Life Ins. Co.	trial	Steve Beardsley/Richard Huffman	Beardsley, Jensen/Johnson Eiesland, Rapid City, SD	plaintiff
Jan-03	Marguerite Wingen	trial	Chris Nipe	Larson & Nipe, Mitchell, SD	plaintiff
May-03	Elsasser v. Dr. Horst Blume	deposition	G. Verne Goodsell	Gunderson Palmer Goodsell & Nelson, Rapid City, SD	plaintiff
Jun-03	Ronnie & Nancy Haese et al. v. H & R Block, Inc. et al.	hearing (TX)	Edward M. Carstarphen/Robert C. Hilliard	Ellis Carstarphen, Houston/Hilliard Munoz, Corpus Christi, TX	plaintiff
Jun-03	Matthew Bedney v. Qwest	trial	Steven C. Beardsley	Beardsley Jensen & Von Wald, Rapid City, SD	plaintiff
Jun-03	Paul Salvio (9/11 victim)	special hearing (NY)	Barry R. Temkin	Jacobowitz, Garfinkel & Lesman, New York, NY	claimant
Jul-03	Evelyn Downey v. Helen Sarviel	deposition	John K. Nooney	Thomas Nooney Braun Solay & Bernard, Rapid City, SD	plaintiff
Aug-03	Richard N. Poulos (9/11 victim)	special hearing (NY)	Barry R. Temkin	Jacobowitz, Garfinkel & Lesman, New York, NY	claimant
Aug-03	James P. Hopper (9/11 victim)	special hearing (NY)	Barry R. Temkin	Jacobowitz, Garfinkel & Lesman, New York, NY	claimant
Aug-03	Ramon Grijalvo (9/11 victim)	special hearing (NY)	Spencer Herman	Law Offices of Spencer H. Herman, P.C., Kew Gardens, NY	claimant
Sep-03	Loretta Harn v. Banner Health System	deposition	Tina M. Hogue	Finch Bettman Maks & Hogue, Rapid City, SD	plaintiff
Oct-03	Marques Good Low v. United States of America	deposition	Terry Pechota	Pechota, Leach & Dewell, Rapid City, SD	plaintiff
Oct-03	Yudi V.S. Jain (9/11 victim)	special hearing (NY)	Darren Epstein	Fellows Hymowitz and Epstein, New City, NY	claimant
Oct-03	Zurakov v. Register.com and Forman Interactive Corp.	settlement hearing (IL)	Jay Edelson	Blim & Edelson, LLC, Chicago, IL	plaintiff
Oct-03	Thornton v. Flander's Construction	deposition	Daniele Johnson	Law Offices of V. Allan Khoshbin, P.C., Atlanta, GA	plaintiff
Nov-03	Bosco v. United States	trial (NJ)	Michael Kimm	Kimm Law Firm, Hackensack, NJ	plaintiff
Dec-03	Edward Pullis (9/11 victim)	special hearing (NY)	Vincent Moccio	Robins, Kaplan, Miller & Ciresi, Minneapolis, MN	claimant
Dec-03	Bryan v. Dakota Fluid Power	deposition	Wynn Gunderson	Gunderson Palmer Goodsell & Nelson, Rapid City, SD	plaintiff
Dec-03	Fred W. Grey, III (9/11 injury victim)	special hearing (NY)	Daniel Chiplock	Lieff Cabraser Heimann & Bernstein, New York, NY	claimant
Jan-04	Travis Daniels	trial	Robin Zepher	Abourezk Law Firm, Rapid City, SD	plaintiff
Jan-04	Salvatore F. Pepe (9/11 victim)	videotaped testimony	DeLane E. Anderson, Jr.	Law Office of DeLane E. Anderson, Jr., Lynn, MA	claimant
Feb-04	Dotson v. South Dakota	videotaped deposition	Ed Carpenter	Costello Porter, Rapid City, SD	plaintiff
Feb-04	Zoe and Dana Falkenberg (9/11 victims)	special hearing (DC)	Gregory S. Smith	Sutherland Asbill & Brennan, Washington, DC	claimants
Feb-04	George Strauch (9/11 victim)	special hearing (NY)	Vincent Moccio	Robins, Kaplan, Miller & Ciresi, Minneapolis, MN	claimant
Mar-04	Wendyann Alexander (9/11 injury victim)	special hearing (NY)	Gale D. Pearson	Robinson Calcagnie Robinson, Minneapolis, MN	claimant
Mar-04	Edmond Gaston (9/11 injury victim)	special hearing (NY)	Gale D. Pearson	Robinson Calcagnie Robinson, Minneapolis, MN	claimant
Mar-04	Jeffrey Colman (9/11 victim)	special hearing (CA)	Gretchen Wettig/Russell Wetanson	Proskauer Rose, LLP, Los Angeles, CA	claimant
Mar-04	Ronald Hoerner (9/11 victim)	special hearing (NY)	Robert S. Fader	Law Offices of Robert S. Fader, P.C., Lake Success, NY	claimant
Mar-04	Pummel v. Nash Finch	deposition	Michael A. Wilson	Barker Wilson Reynolds & Burke, Rapid City, SD	plaintiff
Apr-04	Sharon Balkcom (9/11 victim)	special hearing (NY)	Richard Sexton	Kalow and Springut, LLP, New York, NY	claimant
Apr-04	Shabel & Andre v. Krebs, LifeUSA & Allianz Life Ins. Co.	deposition	Steve Beardsley/Richard Huffman	Beardsley Jensen/DeMersseman Jensen, Rapid City, SD	plaintiff
Apr-04	Adam White (9/11 victim)	special hearing (DC)	Bruce Morriss	Morriss Lober & Dobson, LLC, Atlanta, GA	claimant
Apr-04	Yvette Moreno (9/11 victim)	special hearing (NY)	Timo D'Oro	Motola Klar Dinowitz & Carfora, LLP, New York, NY	claimant
Apr-04	Alona Abraham (9/11 victim)	special hearing (NY)	Barry R. Temkin	Fiedelman Garfinkel & Lesman, New York, NY	claimant
Apr-04	Margaret Seeliger (9/11 victim)	special hearing (NY)	Michael Kafer	DeSena and Kafer, PC, New York, NY	claimant
Apr-04	John Grazioso (9/11 victim)	special hearing (NY)	Brian Drazin	Drazin and Warshaw, Red Bank, NJ	claimant
Apr-04	Julie Geis (9/11 victim)	special hearing (NY)	Doug Gentile	Douthit Frets Rouse & Gentile, LLC, Kansas City, MO	claimant
Apr-04	Matthew Horning (9/11 victim)	special hearing (NY)	Donna Marie Wilkerson	Law Office of Donna M. Wilkerson, Bloomfield, CT	claimant
Apr-04	Louis Chinal (9/11 injury victim)	special hearing (NY)	Nicholas Diamand	Lieff Cabraser Heimann & Bernstein, New York, NY	claimant
Apr-04	John Napolitano (9/11 victim)	special hearing (NY)	Dan Greenburg	Law Office of Dan Greenburg, Merrick, NY	claimant
Apr-04	Jose Espinal (9/11 victim)	special hearing (NY)	Anthony Loscalzo	Loscalzo & Loscalzo, New York, NY	claimant
Apr-04	Maria Elena Gomez (9/11 injury victim)	special hearing (NY)	Anthony Loscalzo	Loscalzo & Loscalzo, New York, NY	claimant
Apr-04	Timothy Coughlin (9/11 victim)	special hearing (NY)	Joseph Fields	Dickstein Shapiro Morin & Oshinsky, LLP, New York, NY	claimant
Apr-04	Hanig v. Lee	trial	Kenneth R. Dewell	Johnson Eiesland Law Firm, Rapid City, SD	plaintiff
Apr-04	Crooks v. Crooks	deposition	Steven M. Christensen	Law Office of Steven M. Christensen, Deadwood, SD	defense
May-04	Jose Montalvo, Jr. (9/11 injury victim)	special hearing (NY)	Marcia Goffin	Gould Fishbein Reimer & Gottfried, LLP, New York, NY	claimant
May-04	Joseph P. Roberto (9/11 victim)	special hearing (NY)	Michael Gioia	Landman Corsi Ballaine & Ford, P.C., New York, NY	claimant
May-04	John J. Tipping (9/11 victim)	special hearing (NY)	William T. Leder	Brand & Brand, Garden City, NY	claimant
May-04	Sadie Ette (9/11 victim)	special hearing (NY)	Garth Rosengren/C. Brooks Cutter	Kershaw Cutter Ratnoff & York, LLP, Sacramento, CA	claimant
May-04	Lai Yin (Agnes) Lum (9/11 injury victim)	special hearing (NY)	Deborah Garskof	Ury & Moskow, Fairfield, CT	claimant
May-04	Robert Linnane (9/11 victim)	special hearing (NY)	Kim Levy	Milberg Weiss Bershad Hynes & Lerach, New York, NY	claimant
May-04	Jane Simpkin (9/11 victim)	hearing by phone (MA)	Rodney S. Dowell	Berman & Dowell, Boston, MA	claimant
May-04	Denise Crant (9/11 victim)	special hearing (NY)	Elizabeth H. Cronise	Lieff Cabraser Heimann & Bernstein, New York, NY	claimant
May-04	Denis J. McHugh (9/11 victim)	special hearing (NY)	Gretchen N. Miller	Greenberg Traurig, PC, Chicago, IL	claimant
May-04	Michael Tinley (9/11 victim)	special hearing (NY)	Christopher J. Tinley	Kelley & Lehan, P.C., Omaha, NE	claimant
May-04	Richard Zietz (9/11 injury victim)	special hearing (NY)	Rachel Geman/Nicholas Diamand	Lieff Cabraser Heimann & Bernstein, New York, NY	claimant
May-04	Joseph Maloney (9/11 victim)	special hearing (NY)	Guy Halfteck/Caroline Marshall	Milberg Weiss Bershad Hynes & Lerach, New York, NY	claimant
May-04	Laura Bezeg (9/11 injury victim)	special hearing (NY)	Deborah Garskof	Ury & Moskow, Fairfield, CT	claimant
May-04	Jacquelyn Sanchez (9/11 victim)	special hearing (NY)	Daniela Raz	Kasowitz Benson Torres & Friedman, LLP, New York, NY	claimant
May-04	Ernest Figueroa (9/11 injury victim)	special hearing (NY)	Steve Loewenthal	Heidell Pittoni Murphy & Bach, LLP, New York, NY	claimant

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Trial and Deposition Testimony History

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Date	Case	Testimony	Lawyer	Firm	Rep.
May-04	Carlos R. Marinho (9/11 injury victim)	special hearing (NY)	Rachel Geman	Lieff Cabraser Heimann & Bernstein, New York, NY	claimant
May-04	Jan Kozinski (9/11 injury victim)	special hearing (NY)	Duncan E. Williams	Willkie Farr & Gallagher, LLP, New York, NY	claimant
May-04	Susan Ryan (9/11 injury victim)	special hearing (NY)	Jay S. Dankberg	Law Office of Jay Stuart Dankberg, New York, NY	claimant
May-04	David Handschuh (9/11 injury victim)	special hearing (NY)	Robert K. Simonds	Cravath Swaine & Moore, LLP, New York, NY	claimant
May-04	Indira Singh (9/11 injury victim)	special hearing (NY)	Jay S. Dankberg	Law Office of Jay Stuart Dankberg, New York, NY	claimant
May-04	Llewellyn Malcolm (9/11 injury victim)	special hearing (NY)	Daniel P. Chiplock	Lieff Cabraser Heimann & Bernstein, New York, NY	claimant
Jun-04	Waldtraut Matush	arbitration (CO)	Steven C. Beardsley	Beardsley, Jensen & Von Wald, Rapid City, SD	plaintiff
Jun-04	Marques Good Low	trial	Terry Pechota	Pechota Law Firm, Rapid City, SD	plaintiff
Jun-04	Vincencia Brings Plenty	deposition	Rena Atchison	Abourezk Law Firm, Rapid City, SD	plaintiff
Jul-04	Dana/Pucci-Advest	arbitration (NY)	Henry N. Christensen	Norton & Christensen, Goshen, NY	plaintiff
Aug-04	Vincencia Brings Plenty	pre-trial hearing	Rena Atchison	Abourezk Law Firm, Rapid City, SD	plaintiff
Sep-04	Gau v. Larry M. Pence & GWR Investments, Inc.	arbitration (NE)	Kevin R. McManaman	Knudsen Berkheimer Richardson & Endacott, Lincoln, NE	defense
Nov-04	Steven Jay Pincus v. Calmac Manufacturing Corp., et al.	trial (NY)	William R. Bronner	Law Office of William R. Bronner, Ossining, NY	plaintiff
Dec-04	Robert Bielstein v. Cessna Aircraft Co., et al.	trial	Arthur Wolk/James Leach	Wolk Law Firm, Philadelphia, PA/James Leach, Rapid City, SD	plaintiff
Dec-04	Shane Sheesley v. Cessna Aircraft Co., et al.	trial	Arthur Wolk/Barton Banks	Wolk Law Firm, Philadelphia, PA/Banks Johnson, Rapid City, SD	plaintiff
Dec-04	Thomas Vermeulen v. Cessna Aircraft Co., et al.	trial	Arthur Wolk/Barton Banks	Wolk Law Firm, Philadelphia, PA/Banks Johnson, Rapid City, SD	plaintiff
Dec-04	Langley, Laurie & David v. Carrell and Ayars & Ayars, Inc.	trial (NE)	Jeffrey James Colerick	Jeffrey James Colerick, P.C., Colorado Springs, CO	plaintiff
Dec-04	Lester v. Michelin, Goodrich, Hayes Lemmerz	deposition (AZ)	Mark Mitchell	Law Office of Mark Mitchell, Williamson, WV	plaintiff
Aug-05	Robert Bielstein v. Cessna Aircraft Co., et al.	deposition	Arthur Wolk/James Leach	Wolk Law Firm, Philadelphia, PA/James Leach, Rapid City, SD	plaintiff
Aug-05	Shane Sheesley v. Cessna Aircraft Co., et al.	deposition	Arthur Wolk/Barton Banks	Wolk Law Firm, Philadelphia, PA/Banks Johnson, Rapid City, SD	plaintiff
Aug-05	Thomas Vermeulen v. Cessna Aircraft Co., et al.	deposition	Arthur Wolk/Barton Banks	Wolk Law Firm, Philadelphia, PA/Banks Johnson, Rapid City, SD	plaintiff
Oct-05	Hohm v. City of Rapid City v. Hitchcock	deposition	Thomas G. Fritz	Lynn, Jackson, Shultz & Lebrun, Rapid City, SD	plaintiff
Nov-05	Karen Martin v. Dallas Krausch	trial	Jason Smiley	Gunderson Palmer Goodsell & Nelson, Rapid City, SD	plaintiff
Dec-05	Clifford/Linda Meads v. Securities America & Duane Russell	arbitration (NE)	Andre R. Barry	Cline Williams Wright Johnson & Oldfather, LLP, Lincoln, NE	defense
Dec-05	Hohm v. City of Rapid City v. Hitchcock	trial	Thomas G. Fritz	Lynn, Jackson, Shultz & Lebrun, Rapid City, SD	plaintiff
Feb-06	Cornell v. Cicero and Ladenburg Thalmann	arbitration (by phone)	Joseph Giovanniello, Jr.	Ladenburg Thalmann and Co., Inc., New York, NY	defense
Feb-06	Wharton v. Wharton	trial	George J. Nelson	Law Office of George J. Nelson, Rapid City, SD	plaintiff
Feb-06	O'Brien et al. v. Western Dakota Technical Institute	deposition	Veronica & Patrick Duffy	Duffy & Duffy, Rapid City, SD	plaintiff
Mar-06	Kyburz-Carlson Constr. Co. et al. v. Jean Hurlbert et al.	deposition	Steven M. Johnson/Brendan V. Johnson	Johnson Heidepriem Miner Marlow & Janklow, Sioux Falls, SD	defense
Sep-06	Cheryl and Drew Mraz v. Dadah	deposition	David Bradsky	Bradsky, Bradsky & Bradsky, Rapid City, SD	plaintiff
Sep-06	James Schumacher	deposition	Eric Pickar	Bangs McCullen Butler Foye & Simmons, Rapid City, SD	plaintiff
Oct-06	Russo et al. v. G.M., Suzuki Motor Corp., Takata Corp., et al.	deposition	George J. Nelson	Law Office of George J. Nelson, Rapid City, SD	plaintiff
Oct-06	Cheryl and Drew Mraz v. Dadah	trial	David Bradsky	Bradsky, Bradsky & Bradsky, Rapid City, SD	plaintiff
Oct-06	Maurer v. Chrysler et al.	deposition (OH)	Doug Gentile	Douthitt Frets Rouse & Gentile, LLC, Kansas City, MO	plaintiff
Nov-06	Robert Bielstein v. Cessna Aircraft Co., et al.	trial	Arthur Wolk/James Leach	Wolk Law Firm, Philadelphia, PA/James Leach, Rapid City, SD	plaintiff
Nov-06	Shane Sheesley v. Cessna Aircraft Co., et al.	trial	Arthur Wolk/Barton Banks	Wolk Law Firm, Philadelphia, PA/Banks Johnson, Rapid City, SD	plaintiff
Nov-06	Thomas Vermeulen v. Cessna Aircraft Co., et al.	trial	Arthur Wolk/Barton Banks	Wolk Law Firm, Philadelphia, PA/Banks Johnson, Rapid City, SD	plaintiff
Nov-06	Watson v. Public Service Company of Colorado	videotaped deposition	Andrew T. Brake	Andrew T. Brake, P.C., Englewood, CO	plaintiff
Mar-07	Ennen v. Stephens	deposition	John Nooney	Thomas Nooney Braun Solay & Bernard, LLP, Rapid City SD	plaintiff
Mar-07	Sizemore v. OwnerGuard, et al.	deposition	Robin Zephier	Abourezk Law Firm, Rapid City, SD	plaintiff
Mar-07	Stanley v. Hall	deposition	Steven C. Beardsley	Beardsley Jensen & Von Wald, Rapid City, SD	plaintiff
Mar-07	Floyd & Lily Lund v. Lombard Securities, et al.	deposition	Steven C. Beardsley	Beardsley Jensen & Von Wald, Rapid City, SD	plaintiff
May-07	Ennen v. Stephens	trial	John Nooney	Thomas Nooney Braun Solay & Bernard, LLP Rapid City SD	plaintiff
May-07	Reoh v. Szabo	trial	Jim Jeffries	Jeffries Law Office, P.C., Rapid City SD	plaintiff
May-07	Pulcini et al. v. Bally Fitness Center	deposition	John Blim	Blim & Edelson, LLC, Chicago, IL	plaintiff
Jun-07	St. Laurent v. American Manufacturers Mutual Ins. et al.	deposition	George Burnett	Liebman, Conway, Olejniczak & Jerry, S.C., Green Bay, WI	plaintiff
Jul-07	Blakley v. Buckmaster and Buckmaster & Macy, LLP	trial	James Nelson	Gunderson, Palmer, Goodsell & Nelson, Rapid City, SD	plaintiff
Jul-07	Russo et al. v. G.M., Suzuki Motor Corp., Takata Corp., et al.	trial	George J. Nelson	Law Office of George J. Nelson, Rapid City, SD	plaintiff
Aug-07	Modde v. Harland	deposition	Frank Bettman	Finch, Bettman, Moks & Hogue, Rapid City SD	plaintiff
Oct-07	Rotert v. ITI	deposition	Jennifer Wollman	Woods, Fuller, Schultz & Smith, Sioux Falls SD	defense
Oct-07	Modde v. Harland	videotaped testimony	Frank Bettman	Finch Bettman Moks, Rapid City, SD	plaintiff
Nov-07	Mirapex Litigation	deposition (MN)	Vincent Moccio	Robins, Kaplan, Miller & Ciresi, Minneapolis, MN	plaintiff
Jan-08	Manyfoods v. Walmart	deposition	S. Ben Yhim	McGuire Woods, Baltimore, MD	defense
Feb-08	Etchey v. Green	deposition	Kenneth R. Dewell	Johnson Eiesland Law Firm, Rapid City, SD	plaintiff
Feb-08	Abrams et al. v. Facebook	trial (US Dist Ct N CA)	Myles McGuire	KamberEdelson, LLC, Chicago, IL	plaintiff
Apr-08	Beckett v. Martin	trial	Robin Zephier	Abourezk Law Firm, Rapid City, SD	plaintiff
Apr-08	Elk v. The United States of America	trial	Adam Horowitz	Herman & Therman, Miami, FL	plaintiff
May-08	Kitching v. Morgan Tire & Auto, Inc., d/b/a Tires Plus	deposition	Jack Theeler	Morgan Theeler Wheeler Cogley & Peterson, Mitchell, SD	plaintiff
May-08	Taft v. Sufficool, et al.	deposition	Patrick Duffy	Duffy & Duffy, Rapid City, SD	plaintiff
Jun-08	Simpson et al. v. New York Dept. of Civil Service and G. Sinnott	deposition	Maryann Diaz	Gary, Williams, Finney, Lewis, Watson & Sperando, Stuart, FL	plaintiff
Jun-08	Littlehawk v. McPherson and Moreford	deposition	Kenneth R. Dewell	Johnson Eiesland Law Firm, Rapid City, SD	plaintiff
Jul-08	Brandis v. Farmers Alliance Mutual Insurance Company	videotaped deposition	Mark O'Leary	O'Leary Law Office, Sioux Falls, SD	defense
Jul-08	Henry v. Henry	deposition	Karen P. Hunt	Bracy Pluimer Law Firm, Spearfish, SD	defense
Jul-08	Charbonneau v. Boehringer Ingelheim Pharmaceuticals, et al.	trial (MN)	Vincent Moccio	Robins, Kaplan, Miller & Ciresi, Minneapolis, MN	plaintiff
Aug-08	Zwayer v. Boehringer Ingelheim Pharmaceuticals, et al.	trial (MN)	Vincent Moccio	Robins, Kaplan, Miller & Ciresi, Minneapolis, MN	plaintiff
Aug-08	Taft v. Sufficool, et al.	trial	Patrick Duffy	Duffy & Duffy, Rapid City, SD	plaintiff
Sep-08	Wild v. City of Lincoln	deposition (NE)	Austin McKillip	Cline Williams Wright Johnson & Oldfather, LLP, Lincoln, NE	plaintiff
Oct-08	Murphy v. Sears Holdings Corporation/Kmart Corporation	deposition	Steven C. Beardsley/Brad J. Lee	Beardsley Jensen & Von Wald, Rapid City, SD	plaintiff
Oct-08	Roulette v. Merrill Lynch	hearing (WI)	George Burnett	Liebman, Conway, Olejniczak & Jerry, S.C., Green Bay, WI	plaintiff
Nov-08	Sims v. Verizon Wireless	affidavit	Jay Edelson	KamberEdelson, LLC, Chicago, IL	plaintiff
Jan-09	Latcham v. Eaves, O'Neal and S & L Trucking	deposition	Heather Lammers Bogard	Costello Porter, Rapid City, SD	defense
Feb-09	Selting v. Safeco Insurance Company of America	deposition	Robin Zephier	Abourezk Law Firm, Rapid City, SD	plaintiff

Donald L. Frankenfeld
Trial and Deposition Testimony History

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Date	Case	Testimony	Lawyer	Firm	Rep.
May-09	Scelta v. Boehringer Ingelheim Pharmaceuticals, et al.	deposition	Pro Se		plaintiff
Jul-09	Bird Hotel Corporation v. Super 8 Motels, Inc.	deposition	Scott A. Abdallah	Johnson Heidepriem Abdallah & Johnson, Sioux Falls, SD	plaintiff
Sep-09	Hospitality Systems Inc., et al. v. City of Rapid City, et al.	deposition	James Nelson	Gunderson, Palmer, Nelson & Ashmore, Rapid City, SD	plaintiff
Sep-09	VanDyke and Walker et al. v. Media Breakaway, LLC	trial affidavit (FL)	Rafey S. Balabanian	KamberEdelson, LLC, Chicago, IL	plaintiff
Oct-09	Stern Oil v. J. R. Brown dba Exxon Goode to Go & Freeway Mobil	deposition	Matthew S. McCauley	Murphy, Goldammer & Prendergast, LLP, Sioux Falls, SD	defense
Oct-09	Stern Oil v. J. R. Brown dba Exxon Goode to Go & Freeway Mobil	trial	Matthew S. McCauley	Murphy, Goldammer & Prendergast, LLP, Sioux Falls, SD	defense
Nov-09	Latcham v. Eaves, O'Neal and S & L Trucking	trial	Heather Lammers Bogard	Costello Porter, Rapid City, SD	defense
Nov-09	McFerrer, Tracie et al. v. AT&T Mobility LLC	trial affidavit (GA)	Steven L. Lezell	KamberEdelson, LLC, Chicago, IL	plaintiff
Dec-09	Hospitality Systems Inc., et al. v. City of Rapid City, et al.	trial	James Nelson	Gunderson, Palmer, Nelson & Ashmore, Rapid City, SD	plaintiff
Dec-09	Jensen, K., Spec. Admin. for J. Waddell v. Biegler Bros et al.	deposition	Michael Wilson	Barker Wilson Law Firm, LLP, Rapid City, SD	plaintiff
Dec-09	Orr v. Pamida Stores Operating Co.	deposition	Jane Pfeifle	Lynn, Jackson, Shultz & Lebrun, Rapid City, SD	plaintiff
Jan-10	Clarkson v. Continental	trial	Michael Hickey	Bangs McCullen Butler Foye & Simmons, Rapid City, SD	defense
Mar-10	Toyota Recall	trial (IL)	Michael J. McMorrow	Edelson McGuire, LLC, Chicago, IL	plaintiff
Mar-10	Bradbury v. Mylan Pharmaceuticals, et al.	deposition	Michelle West/James Orr	Robinson Calcagnie & Robinson, CA/Heygood, Orr & Pearson, TX	plaintiff
Apr-10	Roberts v. B.P. West Coast Products, LLC, et al.	deposition (CA)	Robert A. Welbourn III	Law Office of Robert A. Welbourn, Torrance, CA	plaintiff
Jun-10	Hamblin v. British Airways	deposition (video-NY)	Mary Schiavo	Motley Rice, LLC, Mt. Pleasant, SC	plaintiff
Jun-10	Tripp v. Western National Mutual Insurance Company	trial	Mark O'Leary	O'Leary Law Office, Sioux Falls, SD	plaintiff
Jun-10	Lunski v. Leingang et al.	deposition (MN)	Kathleen Flynn Peterson	Robins, Kaplan, Miller & Ciresi, Minneapolis, MN	plaintiff
Aug-10	Lewis v. Strong, Verizon, et al.	deposition (phone-CO)	Anne T. Sulton	Sulton Law Offices, Milwaukee, WI	plaintiff
Aug-10	Wehrkamp v. Wehrkamp	trial	John K. Nooney	Nooney, Solay & Van Norman, Rapid City, SD	plaintiff
Aug-10	Boldt, B., Pers. Rep. of Estate of J. Boldt v. Biegler & Kraft et al.	deposition	Robert L. Morris	Day Morris Law Firm, LLP, Belle Fourche, SD	plaintiff
Nov-10	Allstate Sweeping v. City and County of Denver, et al.	deposition (CO)	Anne T. Sulton	Sulton Law Offices, Milwaukee, WI	plaintiff
Jan-11	Smith and Flying A.J.'s Towing Company v. John Wilson et al.	deposition (WI)	Anne T. Sulton	Sulton Law Offices, Milwaukee, WI	plaintiff
Jan-11	Foster v. Atlas Van Lines, Inc. and Golden Van Lines, Inc.	deposition	Charles Abourezk	Abourezk Law Firm, Rapid City, SD	plaintiff
Feb-11	Estate of Robert Whirlwind Horse v. Timothy Hotz	trial	Terry Pechota	Pechota Law Firm, Rapid City, SD	plaintiff
Feb-11	Estate of Calornie Randall v. Timothy Hotz	trial	Terry Pechota	Pechota Law Firm, Rapid City, SD	plaintiff
Mar-11	Johnson v. Kaiser Foundation Health Plan, Inc.	deposition (phone-CA)	Kirk Wolden	Arnold Law Firm, Sacramento, CA	plaintiff
Apr-11	Johnson v. Kaiser Foundation Health Plan, Inc.	arbitration (phone-CA)	Kirk Wolden	Arnold Law Firm, Sacramento, CA	plaintiff
May-11	Gloe v. City of Deadwood	trial	Steven C. Beardsley/Brad J. Lee	Beardsley, Jensen & Von Wald, Rapid City, SD	plaintiff
May-11	Hagerty v. Merrill Lynch	arbitration (NE)	James M. Bausch	Cline Williams Wright Johnson & Oldfather, LLP, Lincoln, NE	plaintiff
May-11	Allstate Sweeping v. City and County of Denver, et al.	federal hearing (CO)	Anne T. Sulton	Sulton Law Offices, Milwaukee, WI	plaintiff
Jul-11	Whites v. Whites	trial	Michael K. Sabers	Clayborne, Loos, Strommen & Sabers, Rapid City, SD	defense
Jul-11	Serra v. Toy Air, Inc. and Cessna Aircraft Company	deposition (SC)	Mary Schiavo	Motley Rice, LLC, Mt. Pleasant, SC	plaintiff
Aug-11	Flaa et al. v. First Premier Bank	deposition	John K. Nooney	Nooney, Solay & Van Norman, Rapid City, SD	plaintiff
Nov-11	OneSource and Affordable Swgp v. City and Co. of Denver, et al.	deposition (CO)	Anne T. Sulton	Sulton Law Offices, Milwaukee, WI	plaintiff
Nov-11	Bogdonas v. Museus, et al.	deposition (WI)	Anne T. Sulton	Sulton Law Offices, Milwaukee, WI	plaintiff
Nov-11	Farrell et al. v. OpenTable, Inc.	trial (US Dist Ct N CA)	William Gray	Edelson McGuire, LLC, Chicago, IL	plaintiff
Dec-11	Murphy v. Sears Holdings Corporation/Kmart Corporation	federal hearing	Steven C. Beardsley/Brad J. Lee	Beardsley, Jensen & Von Wald, Rapid City, SD	plaintiff
Dec-11	Lynch v. Max Frost & Company, Inc.	arbitration (by phone)	George Burnett	Liebman, Conway, Olejniczak & Jerry, S.C., Green Bay, WI	plaintiff
Feb-12	Juhnke v. Knutson	deposition	George J. Nelson	Abourezk Law Firm, Rapid City, SD	plaintiff
Feb-12	Strand v. Dr. Young & Black Hills Dermatology, P.C.	deposition	G. Verne Goodsell	Goodsell Quinn, Rapid City, SD	plaintiff
Feb-12	Kwak et al. v. Island Colony Hotel, et al.	deposition (HI)	Michael Kimm	Kimm Law Firm, Englewood Cliffs, NJ	plaintiff
Mar-12	Peer v. McGas et al.	deposition	Terence R. Quinn	Goodsell Quinn, Rapid City, SD	plaintiff
Mar-12	Strand v. Dr. Young & Black Hills Dermatology, P.C.	trial	G. Verne Goodsell	Goodsell Quinn, Rapid City, SD	plaintiff
Mar-12	Wells Fargo HELOC Class Action	decl (US Dist Ct N CA)	Steven Lezell Woodrow	Edelson McGuire, LLC, Chicago, IL	plaintiff
May-12	Cho v. Trinitas Regional Medical Center, et al.	deposition (NJ)	Michael Kimm	Kimm Law Firm, Englewood Cliffs, NJ	plaintiff
Jul-12	Wigod v. Wells Fargo Home Mortgage f/k/a Wachovia Mortgage	decl. (US Dist Ct E IL)	Steven Lezell Woodrow	Edelson McGuire, LLC, Chicago, IL	plaintiff
Aug-12	Juhnke v. Knutson	videotaped trial test.	George J. Nelson	Abourezk Law Firm, Rapid City, SD	plaintiff
Aug-12	Humble v. Wyatt	trial	John Burke	Thomas Braun Bernard Burke	plaintiff
Aug-12	Rubes (Estate of Sara Sell) v. Grinnell Select Insurance Company	deposition (IA)	Stephen A. Rubes	Law Office of Stephen A. Rubes	plaintiff
Sep-12	Richmond v. City and County of Denver, et al.	trial (CO)	Anne T. Sulton	Sulton Law Offices, Milwaukee, WI	plaintiff
Oct-12	Netflix Privacy Litigation	decl (US Dist Ct N CA)	Rafey S. Balabanian	Edelson McGuire, LLC, Chicago, IL	plaintiff
Dec-12	Schultz et al. (Cosmos) v. Lyle Scandrett and Heidi Bybee	deposition	Jeffrey G. Hurd	Bangs McCullen Butler Foye & Simmons, Rapid City, SD	defense
Jan-13	Lewis v. Strong, Verizon, et al.	trial (US Dist Ct CO)	Anne T. Sulton	Sulton Law Offices, Milwaukee, WI	plaintiff
Jan-13	Citibank HELOC Reduction Litigation	decl (US Dist Ct N CA)	Steven Lezell Woodrow	Edelson McGuire, LLC, Chicago, IL	plaintiff
Jan-13	JP Morgan Chase Bank HELOC Litigation	decl (US Dist Ct N IL)	Steven Lezell Woodrow	Edelson McGuire, LLC, Chicago, IL	plaintiff
Jan-13	Weemhoff v. Weemhoff	trial (CO)	Andrew D. Haas	Bradley Devitt Haas & Watkins, PC, Golden, CO	defense
Feb-13	Lone Elk v. Dialysis Management Group, LLC	tribal court testimony	Terry Pechota	Pechota Law Firm, Rapid City, SD	plaintiff
Mar-13	Unique Swine Marketing, Inc. v. Madison Belle Farms, LLP, et al.	deposition	Mark O'Leary	O'Leary Law Office, Sioux Falls, SD	plaintiff
Mar-13	Thull v. Techtronic Industries, Co., Ltd., et al.	deposition (MN)	Richard Sullivan	Sullivan and Sullivan, LLP, Wellesley, MA	plaintiff
Apr-13	Krukenkamp v. State University of New York at Stony Brook, et al.	depo (US Dist Ct E NY)	Timothy B. Glynn	Glynn Mercep and Purcell, LLP, Stony Brook, NY	plaintiff
Jun-13	Kramer v. Ford Motor Co. and Bloomington Lincoln Mercury, Inc.	deposition (MN)	Peter J. Kestner/Gregory N. McEwen	McEwen Law Firm, Ltd., Inver Grove Heights, MN	plaintiff

Memorandum

To: Michael M. Hickey, Esq.
From: Don Frankenfeld
Date: August 15, 2013
Re: Powertech (USA), Inc.

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I have been engaged to address three issues. Each of the three appears below, together with my preliminary response. I expect that my analysis and conclusions will be expanded in my final report; in addition, I may supplement or modify my conclusions as more information becomes available.

First, please review Powertech's Economic Assessment and identify and be prepared to testify to the deficiencies in the arguments offered by Powertech and place an estimated dollar value on those deficiencies where possible. Additionally, please comment on any underlying assumptions made by Powertech in its assessment that are not valid (i.e., price of uranium).

Powertech's Economic Assessment is seriously deficient, with the result that asserted economic benefits to the community are overstated. The company's analysis is based upon a uranium price of \$65 per pound, when the current spot price is less than \$36 per pound. Thus asserted extraction tax benefits, at current prices, will be dramatically below the levels the company projects. Moreover, at current uranium prices the project will barely break even on a cash basis, and probably operate at a loss on a full cost basis. Under such circumstances, the life of the plant is likely to be significantly less than proponents project; asserted community economic benefits will be proportionally reduced.

There are further deficiencies in proponents' analysis regarding the appropriate discount rate; projections of direct-employment; projections of derivative employment (or "multiplier effect"); state and local value added benefits; and potential effects upon housing. The proponents utilize IMPLAN data to make their projections; further examination will show whether IMPLAN is an appropriate model, and whether the specific input assumptions are appropriate.

Secondly, please provide an evaluation of the potential costs of the project associated with the asserted benefits.

The proponent's economic impact analysis is in essence an argument about benefits; costs are generally ignored. For example, even if the project causes 86 direct-employment jobs to materialize, the citizens represented by those jobs may place demands on government that result in significant taxpayer-funded costs to the community. Likewise, to the extent truly new jobs are created, rather than transferred from existing jobs in the area, taxes for infrastructure and schools may

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Exhibit 4

Memo to Michael M. Hickey
August 15, 2013
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be required. Further analysis is likely to reveal more instances where asserted benefits are offset in whole or in part by additional costs.

Thirdly, if we assume that Powertech fails to meet the promised standards for safety and environmental protection to the air, land and water, please estimate the economic consequences thereof and provide a reasonable estimate as to the amount of any surety bond that would need to be put in place.

While I do not expect to assign probabilities to the likelihood of various potential failures during the project life or thereafter, I expect to characterize the economic consequences of failure. For example, if ground water is polluted below baseline standards, the negative consequences for both crops and livestock could be severe. Depending on the magnitude of failure, derivative effects, such as the effect on tourism, could likewise be material.

As South Dakota has learned from prior experience, a surety bond (or alternative contingent protection) should be of sufficient size to ensure after-the-fact remediation, if necessary. This matter is particularly critical in light of Powertech's current fragile financial condition, which jeopardizes the company's ability to remediate on its own. In my final report, I expect to characterize the magnitude of the contingent remediation liability, and to analyze the company's ability to bear this cost.

DLF:meu