



STATE OF NEVADA  
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*Attorney General*

May 19, 2015

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**VIA U.S. MAIL**

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Email: [johnladuemarshall@gmail.com](mailto:johnladuemarshall@gmail.com)

**Re: Appeal of Groundwater Pollution Control Permit: Permit  
No NS2014502 Smith Valley Dairy**

Dear John:

It has come to my attention that you failed to attach the exhibits you cited to in the Save Our Smith Valley Opening Brief. I contacted you on Monday, May 18<sup>th</sup> in the morning to discuss this and you indicated you would call me back. I also sent you an email regarding this issue this morning at approximately 10:37 a.m. and again have yet to hear from you via email or telephone. Further, this was not an oversight on your part as you indicate in the Opening Brief that you will submit all reference material and a witness list in compliance with NAC 445B.8914. However, the exhibits referenced in your Opening Brief are not the exhibits contemplated in NAC 445B.8914. Although they may be the same, NAC 445B.8914 refers to exhibits that will be presented as evidence at the hearing. The purpose of the briefing schedule is to allow the parties to fully vet their arguments and to respond accordingly. By not attaching the exhibits you cite to, the Nevada Division of Environmental Protection ("NDEP") is prejudiced and unable to provide a meaningful response.

Please provide to all parties, NDEP and AGPROS, all exhibits cited to in the Opening Brief by close of business tomorrow, May 20, 2015. If you fail to provide the exhibits by this deadline, NDEP will move to strike all exhibits referenced in your Opening Brief, as well as your Opening Brief as incomplete.

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If the exhibits are provided by close of business May 20, 2015, the briefing schedule will need to be adjusted to allow for NDEP to review and provide a meaningful response. Therefore, NDEP requests an adjustment to the briefing schedule as follows:

**NDEP/AGPROS Response Brief:** June 5, 2015


**Exchange Witness List/Exhibit List:** On or before July 13, 2015

Please call me to discuss at your earliest convenience.

Sincerely,

ADAM PAUL LAXALT  
Attorney General

By:

  
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Deputy Attorney General  
(775) 684-1224

KSA/lzd

Electronic cc: John L. Marshall, Esq.

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