

STATE OF MINNESOTA
COUNTY OF WASHINGTON

DISTRICT COURT
TENTH JUDICIAL DISTRICT

City of Oak Park Heights,
a Minnesota municipal corporation,

Case Type: Civil
Court File No. 82-CO-06-006815

Plaintiff,

vs.

**DEFENDANT STATE OF MINNESOTA'S
RESPONSES TO PLAINTIFF'S
REQUEST FOR PRODUCTION
OF DOCUMENTS**

State of Minnesota, by its Commissioner
of Transportation,

Defendant.

TO: Plaintiff City of Oak Park Heights and its attorney Mark J. Vierling, Wolff & Vierling,
PLLP, 1809 Northwestern Avenue, Suite 110, Stillwater, MN 55082.

GENERAL AND CONTINUING OBJECTIONS:

1. The State objects to each and every discovery request to the extent it seeks information which is protected from disclosure by the attorney-client privilege or which reflects the opinions, strategies, theories, mental impressions, or work product of lawyers and staff or any other applicable privilege. The State may withdraw any such information as soon as it is identified. Any inadvertent disclosure of privileged or work product information shall not be deemed a waiver.

2. The State expressly reserves the right to object, at any stage of this litigation, to the introduction into evidence at trial of documents or information protected by the attorney-client privilege or the attorney work product doctrine or information or documents subject to any objection contained herein, and which have been produced inadvertently.

3. The State reserves any and all objections as to relevance and materiality. The State's responses to discovery requests are not intended to waive any objections it may have or

may assert later. The State expressly reserves the right to object to further discovery into the subject matter of the discovery requests.

4. By responding to Plaintiff's discovery requests, the State does not concede the relevance or admissibility of the information requested nor does it adopt Plaintiff's legal characterizations of terms and words used therein.

5. All responsive non-privileged documents that have been located to date have been produced or will be produced at an agreed upon time. However, investigation and discovery are ongoing. If the State locates additional responsive non-privileged documents, they will be produced in accordance with the Minnesota Rules of Civil Procedure and the Court's scheduling order.

6. The State also objects to these Requests to the extent that they seek information or documents already in the possession, custody or control of Plaintiff.

7. Each of the above General Objections shall be deemed to apply, where appropriate, to the State's responses set forth below, notwithstanding that the State has supplied responses to the discovery requests.

RESPONSES

REQUEST NO. 1. Copies of all notes, e-mails, memoranda, interoffice correspondence, written notes to file or other written evidence of any communications within the Minnesota Department of Transportation relative to the City of Oak Park Heights' request in 2004 that the Minnesota Department of Transportation agree with the City's position that the St. Croix River Crossing Project, for purposes of municipal approval, would be processed and/or following the statutory process that was in effect prior to the statutory revisions of 2001.

ANSWER: Defendant objects that the phrase “relative to” is vague and ambiguous. Notwithstanding its specific and general objections, documents located to date by Defendant that appear to be responsive to Plaintiff’s document request, will be produced for inspection and/or photocopying by Plaintiff at the Office of the Minnesota Attorney General, Bremer Tower, Suite 1800, 445 Minnesota Street, St. Paul, MN 55101, upon reasonable notice and at a mutually convenient date and time. Defendant will not produce documents that contain attorney-client privileged communications, attorney work product or documents protected by Minn. Stat. §§ 13.37 subd. 1 or 13.39.

REQUEST NO. 2. Copies of all notes, e-mails, memoranda, interoffice correspondence, written notes to file or other written evidence of any communications within the Minnesota Department of Transportation relative to the Minnesota Department of Transportation correspondence to the City of Oak Park Heights dated October 5, 2004, August 8, 2006 and/or December 17,2004.

ANSWER: Defendant objects that the phrase “relative to” is vague and ambiguous. Notwithstanding its specific and general objections, documents located to date by Defendant that appear to be responsive to Plaintiff’s document request, will be produced for inspection and/or photocopying by Plaintiff at the Office of the Minnesota Attorney General, Bremer Tower, Suite 1800, 445 Minnesota Street, St. Paul, MN 55101, upon reasonable notice and at a mutually convenient date and time. Defendant will not produce documents that contain attorney-client privileged communications, attorney work product or documents protected by Minn. Stat. §§ 13.37 subd. 1 or 13.39.

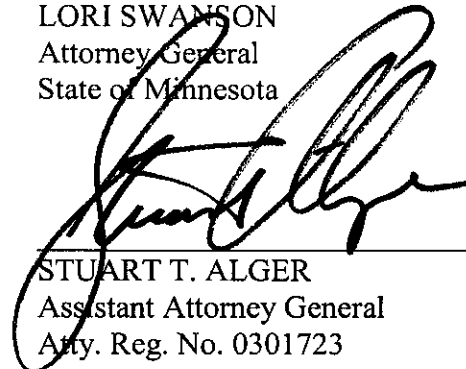
REQUEST NO. 3. Copies of all documents, notes, memoranda, reports, written submissions or other written materials or other documents which either support or oppose the City's position that "the Project" as identified within the St. Croix River Crossing Project Supplemental Final Environmental Impact Statement released June 16, 2006 is a continuation of the same project first submitted and applied for municipal approval to the City of Oak Park Heights and referenced in the City's conditional municipal consent approval in 1995.

ANSWER: Documents located to date by Defendant that appear to be responsive to Plaintiff's document request, will be produced for inspection and/or photocopying by Plaintiff at the Office of the Minnesota Attorney General, Bremer Tower, Suite 1800, 445 Minnesota Street, St. Paul, MN 55101, upon reasonable notice and at a mutually convenient date and time. Defendant will not produce documents that contain attorney-client privileged communications, attorney work product or documents protected by Minn. Stat. §§ 13.37 subd. 1 or 13.39.

Dated: January 26, 2007

Respectfully submitted,

LORI SWANSON
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