

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE DEPARTMENT OF NATURAL RESOURCES

In the Matter of Hibbing Taconite Mine and
Stockpile Progression and Williams Creek
Project Specific Wetland Mitigation

**RULING ON
COUNTY'S MOTION
TO COMPEL DISCOVERY**

This matter is pending before Administrative Law Judge Barbara L. Neilson pursuant to a Notice and Order for Hearing filed with the Office of Administrative Hearings (OAH) on June 30, 2014.

Fiona B. Ruthven, Assistant Attorney General, represents the Minnesota Department of Natural Resources (Department). John C. Kolb and Kale R. VanBruggen, Rinke Noonan, represent Lake of the Woods County; Lake of the Woods Soil and Water Conservation District; Mike Hirst, in his capacity as a member of the Lake of the Woods Soil and Water Conservation District Technical Evaluation Panel; and Josh Stromlund, in his capacity as Land & Water Planning Director for Lake of the Woods County (collectively, County). Susan K. Wiens and William P. Hefner, Environmental Law Group, represent Intervenors Northern Conservation L.L.C. and Cliffs Mining Co. (jointly, Cliffs).

On April 17, 2015, the County filed a Motion to Compel Discovery. On May 4, 2015, the Department filed a Response in Opposition to the County's Motion to Compel. The Administrative Law Judge heard oral argument on the motion on May 22, 2015, after which the OAH record relating to the Motion to Compel closed.

Based upon the motion record, and for the reasons set forth in the accompanying Memorandum, the Administrative Law Judge makes the following:

ORDER

1. The County's Motion to Compel the Department to respond to Interrogatories 15-30 is **GRANTED**.
2. The County's Motion to Compel the Department to supplement its prior responses to Interrogatories 12-14 is **DENIED**.
3. A prehearing conference shall be held by telephone conference call on **Tuesday, June 23, 2015, at 3:30 p.m.**, to discuss the deadline for the Department's response to Interrogatories 15-30 and

determine whether it will be necessary to continue the hearing to a later date. At that time, the parties shall call **1-888-742-5095** and, when prompted, enter conference code **371 152 3559#**. If the selected time is inconvenient, parties should notify Kendra McCausland, Legal Assistant, immediately.

Dated: June 18, 2015

s/Barbara L. Neilson

BARBARA L. NEILSON
Administrative Law Judge

MEMORANDUM

I. Factual Background

This contested case proceeding centers around a wetland mitigation plan submitted by Cliffs (the 2014 Plan) for a project located on property within Lake of the Woods County known as the Williams Creek Site.¹ The 2014 Plan included a proposal to use approximately 13 acres of the Williams Creek site as replacement wetlands for wetland impact at Cliff's Hibbing Taconite Mine and Stockpile Progression.² On April 28, 2014, the Commissioner of Natural Resources determined that the 2014 Plan satisfied the applicable requirements and issued a Notice of Decision approving the Plan.³ The County objected to the Commissioner's determination that the Plan was adequate and, on June 2, 2014, the Department received the County's request for a contested case hearing.⁴ The Department subsequently initiated the present contested case proceeding before the OAH.

After commencement of this contested case and consideration of certain threshold motions relating to jurisdiction and the scope of review, the Administrative Law Judge set a deadline of April 1, 2015, for the completion of all discovery.⁵ On March 2, 2015, the County served interrogatories on the Department,⁶ and, on April 1, 2015, the Department served the County with its responses to the interrogatories.⁷

In its initial responses to the County's interrogatories, the Department noted several objections to Interrogatories 1-6 and 9-14, but thereafter gave answers to those interrogatories notwithstanding and subject to those objections. The Department did not object to Interrogatories 7-8, and responded by referring the County to its formal expert witness disclosure identification. The Department noted multiple objections to Interrogatories 15-30, but did not provide any substantive answers to those

¹ NOTICE AND ORDER FOR HEARING at ¶¶ 3-7 (June 27, 2014).

² *Id.*

³ *Id.* at ¶ 33.

⁴ *Id.* at ¶ 34.

⁵ SECOND PREHEARING ORDER at ¶ 4 (January 20, 2015).

⁶ Affidavit of John Kolb, Exhibit A.

⁷ *Id.*, Ex. B.

interrogatories because, in its view, the County had by that point exceeded the 50-question limit set forth in Rule 33.01(a) of the Minnesota Rules of Civil Procedure.⁸ By letter dated April 8, 2015, the County requested that the Department provide a response to Interrogatories 15-30.⁹ By letter dated April 14, 2015, the Department refused to answer Interrogatories 15-30.¹⁰ The County subsequently filed the present Motion to Compel.

II. Overview of Motion to Compel and Response

In its Motion, the County contends that the responses provided by the Department to Interrogatories 12-14 are unresponsive and insufficient, and seeks an order requiring supplementation.¹¹ The County further argues that it did not, in fact, pose more than 50 interrogatories to the Department and, as a result, the Department did not have a proper basis for failing to respond to Interrogatories 15-30.¹² The County asserts that the information sought in Interrogatories 15-30 is relevant to the issues in dispute in this case; is warranted in this case of first impression; is not sought for purposes of delay; and will not impose an undue burden on the County.¹³ During the motion argument, the County emphasized that the DNR's administrative record is over 12,000 pages in length, and contended that portions of that record are not easily searchable, despite the Department's assertions to the contrary. It maintains that requiring the Department to respond to these interrogatories will narrow the focus of the hearing and avoid the need for extensive questioning of witnesses. The County asserts that it "must be able to understand the documents used by DNR to support its decision and which demonstrate the DNR's completion of procedures and evaluation of criteria" found in the rules "[i]n order to conduct an exacted presentation" of the County's case.¹⁴

In its response opposing the Motion to Compel, the Department argues that it properly objected to the County's attempt to propound more than 50 interrogatories. The Department contends that, when the discrete and varied subparts of the interrogatories are taken into consideration, it is evident that the County served far more than 50 interrogatories.¹⁵ The Department also maintains that the County has not shown a proper basis to require supplementation of its responses to Interrogatories 13-14 or 15-30 and contends that these interrogatories fail to comport with the factors of proportionality that are applied under Minn. R. Civ. P. 26.02(b).¹⁶ It points out that the applicable procedures in this matter are those for permits to mine and argues that

⁸ *Id.* at 3-35. The Department also cited Minn. R. 1400.6700, subp. 2 (2013) (which states that any means of discovery available under the Rules of Civil Procedure for the District Courts of Minnesota is allowed in contested case proceedings) and asserted several other objections to the interrogatories.

⁹ Aff. of J. Kolb, Ex. C.

¹⁰ *Id.*, Ex. D.

¹¹ County's Memorandum in Support of Motion to Compel Discovery (April 17, 2015) (County Mem.) at 11-14.

¹² *Id.* at 6-9.

¹³ *Id.* at 10-11.

¹⁴ *Id.* at 15.

¹⁵ Department's Response to County's Motion to Compel Discovery (Dept. Resp.) at 4-8; see *also* Aff. of J. Kolb, Ex. B at 20-35.

¹⁶ Dept. Resp. at 3, 8-9, 11.

discovery relating to the Department's compliance with the procedural steps required under Chapter 8420 (2013) of the Minnesota Rules is "irrelevant and immaterial to this dispute."¹⁷ The Department also objects to Interrogatories 15-30 on the grounds that the information that is being sought is "readily obtainable in a more convenient, less burdensome, and less expensive manner" from the "fully searchable" electronic copy of the administrative record that was given to Respondents in September 2014.¹⁸ The Department emphasizes that the County never met and conferred with the Department or requested supplementation of the responses to Interrogatories 12-14 prior to filing its Motion to Compel, and argues that its responses to these interrogatories were adequate and responsive to the County's requests.¹⁹

III. Legal Standard for Motion to Compel Discovery

The OAH rules governing contested case proceedings allow the parties to use "[a]ny means of discovery available under the Rules of Civil Procedure for the District Court of Minnesota."²⁰ If a motion to compel is filed, the rules specify that the party seeking discovery has the burden of proof to show that the information sought is "needed for the proper presentation of the party's case, is not for purposes of delay, and that the issues or amounts in controversy are significant enough to warrant the discovery."²¹ The party opposing the discovery may raise any objections available under the Minnesota Rules of Civil Procedure, including lack of relevancy and privilege.²²

The Minnesota Rules of Civil Procedure limit discovery to "matters that would enable a party to prove or disprove a claim or defense or to impeach a witness."²³ They further require that discovery "comport with the factors of proportionality" including "the burden or expense of the proposed discovery weighed against its likely benefit, considering the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the action, and the importance of the discovery in resolving the issues." If a party shows both good cause and proportionality, the court may order discovery of "any matter relevant to the subject matter involved in the action."²⁴ The information that is sought "need not be admissible at the trial if the discovery appears reasonably calculated to lead to the discovery of admissible evidence."²⁵ A court may limit the frequency or use of discovery methods if it finds that "(i) the discovery sought is unreasonably cumulative or duplicative, or is obtainable from some other source that is more convenient, less burdensome, or less expensive; or (ii) the party seeking discovery has had ample opportunity by discovery in the action to obtain the information sought."²⁶ The discovery rules are given "broad and liberal

¹⁷ *Id.* at 8-9.

¹⁸ *Id.* at 9-10, 11.

¹⁹ *Id.* at 10-12.

²⁰ Minn. R. 1400.6700, subp. 2.

²¹ *Id.*

²² *Id.*

²³ Minn. R. Civ. P. 26.02(b).

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.*, 26.02(b)(2).

treatment” in order to ensure litigants have complete access to the facts and avoid surprises at the hearing or trial.²⁷

In administrative proceedings, information sought via discovery is considered to be relevant if the information “has a logical relationship to the resolution of a claim or defense in the contested case proceeding, is calculated to lead to such information, or is sought for purposes of impeachment.”²⁸ Administrative Law Judges hearing contested cases “have traditionally been liberal in granting discovery when the request is not used to oppress the opposing party in cases involving limited issues or amounts.”²⁹ However, the parties will not be allowed to engage in mere “fishing expeditions” in hopes of supporting their claims or defenses.³⁰

IV. Discussion

Interrogatories 15-30

Did the County Exceed the 50-Interrogatory Limit?

In its Motion to Compel, the County contends as a threshold matter that the Department improperly relied on the 50-interrogatory limit set forth in Minn. R. Civ. P. 33.01 as justification for its failure to answer Interrogatories 15-30. The County argues that it did not exceed the limit because the interrogatories it served did not include more than 50 separate questions or subdivisions. It contends that the subparts of its interrogatories do not pose “individual, discrete questions” but instead “provide the standards or principles that are part of discrete, procedural requirements” in Chapters 6130 and 8420 of the Minnesota Rules (2013) addressing project-specific wetland mitigation plans. The County points to Interrogatory 19³¹ as an example, and indicates that each subdivision of that interrogatory mirrors the language of Minn. R. 8420.0520, subp. 1.

In its Response in Opposition to the County’s Motion to Compel, the Department continues to maintain that it was not obligated to respond to Interrogatories 15-30 because the County exceeded the 50-interrogatory limit set forth in Minn. R. Civ. P. 33.01.³² The Department emphasizes that the Advisory Committee Note to Rule 33.01 explains that “each separate question shall be counted as a separate interrogatory even though it is related to a prior question or is a subdivision of the question,” and points out that Rule 33.01(d) expressly states that “all discrete subparts” of interrogatories are included in determining whether the 50-interrogatory limit has

²⁷ *Jeppesen v. Swanson*, 68 N.W.2d 649, 651 (Minn. 1955) (quoting *Hickman v. Taylor*, 329 U.S. 495, 507 (1947)).

²⁸ Minnesota Administrative Procedure § 9.2 (George A. Beck and Mehmet Konar-Steenberg eds., 3d ed. 2014) (available at <http://web.wmitchell.edu/minnesota-administrative-procedure/>).

²⁹ *Id.* at § 8.5.2.

³⁰ *State v. Hunter*, 349 N.W.2d 865, 866 (Minn. Ct. App. 1984).

³¹ County Mem. at 8-9. In its Motion to Compel, the County mistakenly identified this interrogatory as Interrogatory 20.

³² Dept. Resp. at 3-8.

been exceeded.³³ The Department highlights Interrogatory 15, which has “15 separate subparts” covering a “catalogue of wide-ranging topics.”³⁴ Even if some of the interrogatories include subparts that merely reflect the language of certain administrative rules, the Department argues that that “does not mean [the subparts] are properly deemed to be a single interrogatory” because each demand for information covers “a separate and distinct topic.”³⁵

Rule 33.01 states, in relevant part:

No party may serve more than a total of 50 interrogatories upon any other party unless permitted to do so by the court upon motion, notice and a showing of good cause. In computing the total number of interrogatories, each subdivision of separate questions shall be counted as an interrogatory.³⁶

* * *

Without leave of court or written stipulation, any party may serve upon any other party written interrogatories, not exceeding 50 in number including all discrete subparts, to be answered by the party served or . . . by any officer or agent Leave to serve additional interrogatories shall be granted to the extent consistent with the principles of Rule 26.02(a).³⁷

The Advisory Committee Note to Rule 33.01 explains that “each separate question shall be counted as a separate interrogatory even though it is related to a prior question or is a subdivision of the question,” and Rule 33.01(d) expressly authorizes parties to serve interrogatories “not exceeding 50 in number including all discrete subparts.”³⁸ The central inquiry is whether the subpart or subdivision of an interrogatory introduces a line of inquiry that is “separate and distinct” from the preceding portion.³⁹

In this case, many of the interrogatories propounded by the County cite particular administrative rules or set forth in a nearly verbatim fashion the requirements contained in various rules. More specifically, Interrogatories 12-25 either refer to or mirror the text of the following portions of Chapter 8420 of the Minnesota Rules:

Interrogatory No.	Related Rule Provisions
12	Minn. R. 8420.0522, subp. 1 (2015)
13	Minn. R. 8420.0522, subp. 1 (2015)
14	Minn. R. 8420.0330, subp. 3, item A (2015)

³³ *Id.* at 4.

³⁴ Dept. Resp. at 6-7. The Administrative Law Judge notes that Interrogatory 15 mirrors the language of Minn. R. 8420.0330, subp. 3, item B(1)-(11) and (13)-(16).

³⁵ Dept. Resp. at 7.

³⁶ MINN. R. CIV. P. 33.01(a).

³⁷ *Id.*, 33.01(d).

³⁸ Minn. R. Civ. P. 33.01, 1968 Adv. Comm. Notes; Minn. R. Civ. P. 33.01(d).

³⁹ See, e.g., *Willingham v. Ashcroft*, 226 F.R.D. 57, 59 (D.D.C. 2005).

Interrogatory No.	Related Rule Provisions
15	Minn. R. 8420.0330, subp. 3, item B(1)-(11) and (13)-(16) (2015)
16	Minn. R. 8420.0500, subp. 2 (2015)
17	Minn. R. 8420.0330, subp. 3, item A(5), and .0515 (2015)
18	Minn. R. 8420.0330, subp. 3, item B(4), and .0515 (2015)
19	Minn. R. 8420.0520, subp. 1 (2015)
20	Minn. R. 8420.0520, subp. 3 (2015)
21	Minn. R. 8420.0520, subp. 4 (2015)
22	Minn. R. 8420.0520, subp. 4, items A-G (2015)
23	Minn. R. 8420.0520, subp. 6 (2015)
24	Minn. R. 8420.0520, subp. 7a (2015)
25	Minn. R. 8420.0522, subp. 3 (2015)

The County argues that each of those interrogatories should merely be viewed as asking a single inquiry, e.g., “Where does the administrative record show that the Department considered the factors set forth in Minn. R. 8420.0522, subp. 1?” However, the Administrative Law Judge does not find that argument persuasive given the text of the rules underlying the interrogatories. Those rules require those seeking approval of a wetland replacement plan to provide numerous discrete items of information relating to the impacted wetland and the replacement wetland when replacement is project-specific. The rules also identify multiple factors and criteria to be considered in evaluating replacement plan applications. Under the circumstances, each of the above interrogatories cannot fairly be characterized as encompassing only a single inquiry.

Even under a fairly conservative interpretation of what should be counted as a “separate and distinct” inquiry under Rule 33.01, the Administrative Law Judge concludes that the County posed at least 50 such inquiries in its first 14 interrogatories. For example, even if it is assumed that Interrogatories 1 through 11 should be viewed as posing only 11 inquiries, it appears that Interrogatory 12 posed at least eight inquiries with respect to the Williams Creek site; Interrogatory 13 posed another eight inquiries with respect to each of the four Cliffs’ mining locations, for a total of 32 inquiries; and Interrogatory 14 posed at least another seven inquiries with respect to each of the four Cliffs’ mining locations, for a total of 28 inquiries.

Therefore, the Administrative Law Judge finds that the County did exceed the 50-interrogatory limit set forth in Minn. R. Civ. P. 33.01(a) in its March 2, 2015, discovery request. The Department’s decision to answer a portion of the interrogatories and

object to the remainder was a permissible approach to take when faced with excessive numbers of interrogatories.⁴⁰

Has the County Shown the Discovery is Warranted?

Despite the excessive number of interrogatories posed by the County, the further question that must be considered in connection with the County's Motion to Compel is whether the County has shown that the additional discovery it seeks is warranted under the circumstances. Under Minn. R. 1400.6700, subp. 2, the burden is on the County to demonstrate that Interrogatories 15-30 seek information that is needed for proper presentation of its case and were not propounded for purposes of delay, and that the issues in this matter are sufficiently significant to warrant the discovery.

As noted above, Interrogatories 15-25 are drawn from Minn. R. 8420.0330, subp. 3, items A, B; 8420.0500, subp. 2; 8420.0520, subps. 1, 3, 4, 6, 7a; 8420.0522, subps. 1, 3. Among other things, these rule provisions:

- require that certain information relating to both the impacted wetland and the replacement wetland (when replacement is project-specific) be provided in connection with applications for wetland replacement plans;
- specify that replacement plans must not be approved unless the applicant has exhausted all possibilities to avoid and minimize wetland impacts;
- require that replacement plans not be approved unless the applicant shows that the activity impacting a wetland complies with certain principles in descending order or priority (e.g., avoids direct or indirect impacts that may destroy or diminish the wetland, minimizes impacts by limiting the degree or magnitude of the wetland activity, rectifies impacts by repairing, rehabilitating, or restoring the affected wetland, reduces or eliminates impacts over time, and replaces unavoidable impacts by restoring wetland or creating replacement wetland areas having equal or greater public value);
- require consideration of whether a project is wetland-dependent and whether feasible and prudent alternatives are available that would avoid impacts under certain circumstances;

⁴⁰ When a party is served with excessive interrogatories, a party may "elect to respond to 50 interrogatories, and object to the balance." David F. Herr and Roger S. Haydock, *Minnesota Practice* § 33.01 (5th ed. 2010). It is, of course, unfortunate that the County waited to serve its interrogatories until precisely 30 days before the discovery, and failed to seek leave from the Administrative Law Judge to exceed the 50-interrogatory limit. It is also unfortunate that the Department waited until the date discovery closed to let the County know that it would be objecting to the excessive interrogatories rather than informing the County earlier that it believed the limit had been exceeded and giving the County an opportunity to revise its inquiries.

- require that the applicant demonstrate that the proposal will minimize impacts to wetlands and the applicant will implement best management practices to protect wetland functions;
- allow flexibility in the application of the sequencing steps under certain specified circumstances;
- specify criteria to be considered in determining whether wetland replacement replaces the public value of wetlands lost as a result of an impact; and
- set forth factors to consider in determining whether an in-kind wetland replacement has been proposed.

Interrogatories 26-30 are generally drawn from the Technical Evaluation Panel (TEP) requirements set forth in Minn. R. 8420.0200, subp. 2, item D, and 8420.0240, item D. The interrogatories ask the Department to identify documents in the agency record that show that the Department appointed a TEP for questions relating to the public value, location, size, or type of wetland to be replaced, created, or restored by the replacement plan applicant; the TEP performed an on-site inspection of the Cliffs mining and/or Williams Creek sites; and the TEP received questions, made determinations, and issued recommendations to the Department regarding the public value, location, size, or type of wetland to be replaced, created, or restored and whether the replacement plan application should be approved, approved with changes or conditions, or denied.

Chapter 8420 of Minnesota Rules implements the regulatory provisions of the Wetland Conservation Act of 1991, as amended.⁴¹ The rules, which were adopted by the Board of Water and Soil Resources, expressly indicate that they are “in addition to other regulations including those of . . . Minnesota state agencies”⁴² Chapter 8420 recognizes that the Department “is the approving authority for activities associated with projects requiring permits to mine” under Minn. Stat. § 94.481⁴³ and that the “[a]pplicable procedures are those required for permits to mine.”⁴⁴ . . . However, Chapter 8420 also expressly states that “the mining and reclamation operating plans or annual reports submitted by the applicant as required in the permit to mine *must include an approved wetland replacement plan that meets the same principles and standards for replacing wetlands under parts 8420.0500 to 8420.0528* and provides for construction certification and monitoring according to parts 8420.0800 and 8420.0810.”⁴⁵

⁴¹ Minn. R. 8420.0100, subp. 1. Implementation of the Wetland Conservation Act is governed by portions of Minn. Stat. Chs. 103A, 103B, 103E, 103F, and 103G (2014). *Id.*, subp. 3.

⁴² Minn. R. 8420.0105, subp. 2, item F.

⁴³ Minn. R. 8420.0200; see also Minn. R. 8420.0930, subp. 1 (“[w]etlands must not be impacted as part of a project for which a permit to mine is required by Minnesota Statutes, section 93.481, except as approved by the commissioner”). “Commissioner” is defined in Minn. R. 8420.0111, subp. 15, to mean the Commissioner of Natural Resources.

⁴⁴ Minn. R. 8420.0930, subp. 4, item B.

⁴⁵ *Id.*, subp. 2, item B (emphasis added).

The Administrative Law Judge concludes that the information sought by the County in Interrogatories 15-30 has a logical relationship to the claims and defenses involved in this contested case proceeding and falls within the broad and liberal definition of relevance that applies to discovery. Even though the procedural aspects of some of the rule provisions underlying the interrogatories do not strictly apply to the Department's consideration of wetland replacement plans in connection with projects for which a permit to mine is required,⁴⁶ the interrogatories appear to be reasonably calculated to lead to the discovery of admissible evidence relating to the principles and standards upon which the Department relied when deciding to approve the wetland mitigation plan at issue in this proceeding.

Although the Second Prehearing Order specified an April 1, 2015, discovery deadline, the Administrative Law Judge is persuaded that the information sought by the County in Interrogatories 15-30 is warranted in light of the significance of the issues presented in this proceeding. This case apparently is the first to consider the proper roles of the DNR and local entities in connection with wetland mitigation projects performed in connection with permits to mine. There is no evidence that the discovery was interposed for purposes of delay, and the information sought is relevant to the subject matter of this proceeding. Moreover, given the Department's familiarity with the record, it appears that the Department would not be unduly burdened if it is required to identify the documents sought in response to Interrogatories 15-30. Finally, and most importantly, requiring the Department to provide substantive responses to Interrogatories 15-30 will allow the parties to focus on the relevant issues and documents in this matter and make the presentation of evidence at the hearing more efficient. Therefore, it is concluded that the likely benefits of the requested discovery outweigh any burden or expense that it will cause.

As a result, it is appropriate to grant the County's Motion to Compel responses to Interrogatories 15-30.

Interrogatories 12-14

In its Motion to Compel, the County claims the responses that were initially given by the Department to Interrogatories 12-14 are insufficient and unresponsive.⁴⁷ The County takes issue with language used by the Department in its response that indicated that certain documents "may" be responsive to a particular interrogatory. The County also contends that the documents identified in the Department's response do not contain information that is relevant to the question posed.⁴⁸

In its Response in Opposition to the Motion, the Department emphasizes that the County did not confer with the Department or request supplementation of the Department's responses to Interrogatories 12-14 at any time prior to the date the County submitted its Motion to Compel.⁴⁹ The Department contends that the

⁴⁶ *Id.*

⁴⁷ County Mem. at 11.

⁴⁸ *Id.* at 11-14.

⁴⁹ Dept. Resp. at 2.

interrogatories are unduly burdensome and are not consistent with proportionality requirements. The Department also maintains that the documents that were identified in its responses to Interrogatories 12-14 do, in fact, relate to the topics that were identified by the County in its interrogatories. As a result, the Department asks that the Motion to Compel be denied.

Under all of the circumstances, the Administrative Law Judge finds that the Department adequately responded to Interrogatories 12-14 and will not require further supplementation of its responses. It is particularly significant that the County failed to request supplementation of Interrogatories 12-14 in the letter it sent to the Department on April 8, 2015.⁵⁰ Of course, if the Department determines that its responses to these interrogatories were incomplete or incorrect in some material respect, it has the duty to amend the prior responses.⁵¹

V. Conclusion

For the foregoing reasons, the County's request that the Department be required to respond to Interrogatories 15-30 is GRANTED, and the discovery period will be reopened for this limited purpose. The County's request that the Department supplement its prior responses to Interrogatories 12-14 is DENIED. A telephone conference call has been scheduled for **Tuesday, June 23, 2015, at 3:30 p.m.**, to discuss the deadline for the Department's response to Interrogatories 15-30 and determine whether it will be necessary to continue the hearing to a later date.

B. L. N.

⁵⁰ See Aff. of J. Kolb, Ex. C.

⁵¹ MINN. R. CIV. P. 26.05.