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BEFORE THE BOARD OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH

UTAH CHAPTER OF THE SIERRA CLUB, SOUTHERN UTAH WILDERNESS ALLIANCE, NATURAL RESOURCES DEFENSE COUNCIL, and NATIONAL PARKS CONSERVATION ASSOCIATION, Petitioners, v. DIVISION OF OIL, GAS & MINING, Respondent, ALTON COAL DEVELOPMENT, LLC, and KANE COUNTY, UTAH, Respondent/Intervenors.	**NOTICE OF DEPOSITION OF ELLIOTT W. LIPS** Docket No. 2009-019 Cause No. C/025/0005

PLEASE TAKE NOTICE that, pursuant to the Order Approving Stipulated Discovery Plan, issued by the Utah Board of Oil, Gas and Mining on February 11, 2010 ("**Order**"), and the Utah Rules of Civil Procedure (the "**Rules**"), Intervenor-Respondent Alton Coal Development, LLC. ("**Alton**") and Respondent the Division of Oil, Gas and Mining (the "**Division**") will take the deposition testimony of Elliott W. Lips at 9:00 a.m. on Thursday, March 18 and Friday March 19, 2010, at the offices of the Southern Utah Wilderness Alliance, 425 East 100 South, Salt Lake City, Utah.

The deposition shall take place via oral interrogatories before a certified court reporter to and for the purposes permitted by Rules 26 through 30 of the Rules and shall continue as provided by the Order. We request that Elliott Lips ("**Deponent**") produce his complete file in this case, including but not limited to all notes, measurements, data, studies, records, references, time records, billing records, list of participants, diagrams, tables, correspondence, plats and maps, which were either reviewed by or generated by or at his direction in this matter, including but not limited to the following:

DOCUMENTS TO BE PRODUCED

1. Any and all blueprints, charts, diagrams, graphs, maps, plats, plans, photographs, models or other visual reproduction of any object, place or thing utilized by, referred to, or relied upon by deponent and upon which Petitioners intend to rely at the time of hearing.

2. Any and all books, treatises, commentaries, reports, statutes, codes, rules, regulations or other published documents referred to and utilized or relied upon by deponent and upon which Petitioners intend to rely upon at the time of hearing.

3. Any and all written reports, summaries or oral reports deponent supplied to aid in deponent's review process, upon which Petitioners have relied in the permit review process or upon which Petitioners intend to upon at the time of hearing.

4. A current curriculum vitae.

5. A list of all cases in which deponent has testified at trial or in a deposition ("discovery" or otherwise), including case name and style, as well as retaining attorney and opposing attorney, including name, address and phone number.

6. All references, course materials, research or data upon which the deponent has relied or intends to rely, to form or support any of his opinions in this case or which the contents are learned treatises or authoritative materials with respect to any of the issues in this case.

7. A list of all articles written, in whole or in part, by deponent upon which deponent relies or bases any opinions in this case.

8. All written reports, summaries or oral reports upon which deponent will rely at hearing to support Petitioners' Arguments and Bases of Requests for Review (A)(1) through (A)(6), (B), and (C) in Petitioners' Request for Agency Action and Request for a Hearing submitted in this matter.

9. Any and all field notes, reports, photographs, sample results from Petitioner's site visit to Coal Hollow Mine on March 1-4 upon which Petitioners intend reply at the time of hearing.

10. Each of the 191 facts and opinions set forth in the First Declaration of Elliott W. Lips dated January 24, 2010 and filed with Petitioners' Memorandum in Opposition to the First Motion for Partial Summary Judgment Filed by Alton Coal Development L.L.C. in this matter.

RESPECTFULLY SUBMITTED this 19th day of February, 2010.

Snell & Wilmer L.L.P.
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CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of February, 2010, I mailed a true and correct copy of the foregoing **RESPONDENT-INTERVENOR'S NOTICE OF DEPOSITION OF ELLIOTT W. LIPS** via e-mail and United States mail, postage prepaid, to the following:

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