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BEFORE THE STATE OF WASHINGTON  
ENERGY FACILITY SITING EVALUATION COUNCIL

3 In the Matter of the Application of:  
4 Scout Clean Energy, LLC, for Horse Heaven  
Wind Farm, LLC,  
5  
6 Applicant.

DOCKET NO. EF-210011  
APPLICANT’S OPPOSITION TO  
MOTION TO COMPEL/MOTION FOR  
PROTECTIVE ORDER

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**I. INTRODUCTION**

10 For the reasons set forth more fully below, Scout Clean Energy (“Applicant”)  
11 respectfully requests that the Administrative Law Judge (“ALJ”) deny the motion of the  
12 Intervenor Tri-Cities C.A.R.E.S. (“TCC”) to compel the attendance of David Kobus at a  
13 deposition and for sanctions.

14 TCC’s entire motion is based on misinformation. The Applicant is not refusing to  
15 make Mr. Kobus available to be deposed. Its sole goal has always been to establish  
16 limitations on what TCC can ask Mr. Kobus at that deposition, consistent with the scope of  
17 the adjudication as enunciated by the ALJ and consistent with TCC’s limited role as  
18 intervenor in this matter. It appears that TCC may be trying to use the communications  
19 regarding Kobus deposition as a pretext for resurrecting issues that it has raised – and that the  
20 ALJ has resolved – before.

21 The Applicant requests that the motion to compel be denied, and also moves for an  
22 order limiting the scope of the Kobus deposition to matters within the defined purview of  
23 TCC’s involvement in this adjudication.

1 II. ARGUMENT

2 **A. All the Applicant wants is for there to be reasonable limits put on the**  
3 **scope of Dave Kobus’s deposition.**

4 Since it first learned of TCC’s plan to depose its Senior Project Manager, Dave  
5 Kobus, the Applicant has been trying to get TCC to provide an idea of what it plans to ask  
6 him. Responding to a direct request for clarification, counsel for TCC would state only that  
7 he “will be asking him questions about the original and amended ASC.”<sup>1</sup> Since that  
8 statement literally could not be any broader relative to material in the application, and since  
9 TCC’s representation both makes preparing Mr. Kobus nearly impossible and opens the door  
10 to a long, rambling and unfocused deposition, virtually all of the Applicant’s efforts since  
11 June 15 have been aimed at defining the universe of areas on which Mr. Kobus can expect to  
12 be questioned.

13 The ALJ has outlined the issues that are to be resolved at the adjudication,<sup>2</sup> and  
14 already several times TCC has tried, unsuccessfully, to push back at the boundaries that the  
15 ALJ set.<sup>3</sup> The ALJ has explicitly overruled each of those objections.<sup>4</sup> Nonetheless, TCC is  
16 ignoring the previous rulings in this matter and proceeding as though those limits do not  
17 exist.

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19 <sup>1</sup> Email from Rick Aramburu to Tim McMahan (June 15, 2023) (Declaration of Willa  
20 B. Perlmutter (June 28, 2023) (“Perlmutter Decl.”), Ex. A).

21 <sup>2</sup> Second Pre-Hearing Conference Order, p. 2 (“these are the disputed issues approved for  
22 presentation of evidence and supporting witnesses”); *see also id.*, p. 3 (“the following issues  
will not be taken up during the adjudication unless specifically authorized by a subsequent  
order”).

23 <sup>3</sup> Tri-Cities C.A.R.E.S. Objection to Second Pre-Hearing Conference Order (May  
24 30, 2023) (“Objection to Second Pre-Hearing Conference Order”) (pp. 6-10); *see also*,  
generally, Tri-Cities C.A.R.E.S. Motion for Disqualification/Recusal of Presiding  
25 Administrative Law Judge (May 25, 2023).

26 <sup>4</sup> Order Overruling Parties Objections to Second Prehearing Conference Order (June  
12, 2023) (pp. 3-4); *see also* Order Denying Disqualification or Recusal of Administrative  
Law Judge (June 23, 2023) (“Order Denying Disqualification”), p. 3.

1 By the same token, the ALJ established limitations on discovery consistent with the  
2 nature of this proceeding. He has all along expressed a clear preference for targeted  
3 discovery, dictated by the proper legal bounds of the adjudication. For example, “[t]he  
4 parties’ pre-filed testimony shall serve as the chief source of discovering each party’s  
5 principal position(s) and supporting evidence. *Any additional discovery must seek only*  
6 *information that is relevant to the approved issues for the adjudication* (e.g., no inquiries  
7 into the SEPA process).”<sup>5</sup>

8 Additionally, TCC’s participation as an intervenor is subject to limits that are not  
9 merely hypothetical. “Council policy allows intervenors broad procedural latitude, but limits  
10 may be imposed to avoid undue delay to the adjudication. ... Development of the list of  
11 disputed issues approved for the adjudication has more narrowly tailored the relevant subject  
12 matter for all parties, including both intervenors. However, some further limitation remains  
13 appropriate in order to avoid undue delay to this proceeding.”<sup>6</sup> In defining TCC’s role, the  
14 ALJ recognized “with particularity the organization’s significant interest in wildlife and  
15 ecosystem conservation as well as local decision-making to preserve the community’s  
16 uniquely picturesque natural landscapes.”<sup>7</sup> The ALJ further identified Benton County as the  
17 lead party with regard to land use topics, and directed TCC to “limit its participation and  
18 presentation of evidence” and to “coordinate its concerns with the County.”<sup>8</sup>

19 Nonetheless, despite the unambiguous articulation of the extent of  
20 TCC’s involvement, and despite the Applicant’s efforts to set reasonable limits on what

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21 <sup>5</sup> Second Pre-Hearing Conference Order, p. 4 (emphasis added); *see also* Letter from Hon.  
22 Adam Torem to Tim McMahan (June 2, 2023) (“Torem Letter”), p. 2 (“if the Applicant is  
23 unable to work out an informal resolution to provide TCC with any relevant evidence that  
24 Mr. Kobus might know or have *regarding a topic germane to the adjudication*, I expect that  
pertinent motions will be filed promptly”) (emphasis added).

25 <sup>6</sup> Second Pre-Hearing Conference Order, p. 4.

26 <sup>7</sup> *Id.*, p. 6.

<sup>8</sup> *Id.*, p. 5; *see also* Order Denying Disqualification, p. 4 (confirming that an ALJ is  
empowered to set limits on extent of participation by intervenors).

1 would otherwise be a free-for-all, the intervenor continues to maintain that it is entitled to  
2 stretch the scope of its role beyond what it has repeatedly been told by the  
3 ALJ. TCC’s insistence on opening the door to any question about the “original and amended  
4 ASC” demonstrates once more that it has no intention of honoring the limits set by the ALJ.

5 It does not help for TCC to say simply that the Applicant can object to overreaching  
6 questions.<sup>9</sup> As the ALJ knows, a deponent must answer even the most objectionable  
7 question unless the response would be privileged. In this case, the Applicant’s concern is  
8 that unless reasonable guardrails are put in place, Mr. Kobus would have to sit there and  
9 answer every question put to him, regardless of whether it is outside the established  
10 limitations on TCC’s role as intervenor, and regardless of whether the question would be  
11 reasonably likely to lead to the discovery of evidence that would be admissible in the  
12 adjudication. Under the procedures created for this adjudication it is hard to imagine how the  
13 Applicant’s objections would be resolved once the horse has left the barn.

14 For these reasons, the Applicant respectfully requests that the ALJ direct TCC that  
15 Mr. Kobus’s deposition be limited to questions within the bounds previously established for  
16 the parties and, specifically, for TCC. The Applicant further requests that the ALJ authorize  
17 Mr. Kobus to refuse to answer any questions that clearly venture outside those bounds.  
18 Without such authorization, it is virtually inevitable that one or more phone calls to the  
19 ALJ will be necessary while the deposition is underway, a situation one would hope neither  
20 the ALJ nor the litigants want.

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25 <sup>9</sup> Intervenor Tri-Cities C.A.R.E.S Motion to Compel Attendance of Senior Product Manager  
26 David Kobus at a Deposition and For Sanctions (“Motion to Compel”) (June 25, 2023),  
p. 9 (“concerns about individual questions are resolved during the deposition by objection to  
questions or by motions to strike”).

1           **B. The timing of TCC’s motion demonstrates an ulterior motive.**

2           TCC has made no secret of its desire to slow-roll this adjudication.<sup>10</sup> It claims that  
3 the instant controversy makes delay necessary – but the responsibility for any perceived  
4 delay properly belongs to the intervenor, not the Applicant. Procedural deadlines were  
5 established well ahead of TCC’s motion to compel. Indeed, TCC has acknowledged as  
6 much. It complained as early as May 30 about the effect the schedule would have on  
7 discovery, specifically including motions to compel.<sup>11</sup> Indeed, TCC directly and explicitly  
8 threatened to move to compel Mr. Kobus’s deposition on June 2.<sup>12</sup>

9           Moreover, TCC has been threatening to move to compel Mr. Kobus’s deposition for a  
10 long time. Also on June 2, the ALJ acknowledged the possibility that an informal resolution  
11 to the deposition dispute might not be possible and he advised the parties that he “expect[s]  
12 that pertinent motions will be filed promptly regarding this disputed deposition.”<sup>13</sup>  
13 Nonetheless, despite the fact that the dispute had been identified, the specter of motions to  
14 compel had been raised, and the fact that the parties had clearly reached an impasse,  
15 TCC waited for more than three weeks, until June 25, to file.<sup>14</sup>

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17 <sup>10</sup> See, e.g., Objection to Second Pre-Hearing Conference Order, pp. 4-6; see also Motion to  
18 Compel, pp. 2, 8, 9 (“TCC should be permitted to file testimony based on the deposition of  
19 Mr. Kobus within three weeks of the signing of his deposition, without regard to the current  
20 schedule for submission of testimony.”).

21 <sup>11</sup> Objection to Second Pre-Hearing Conference Order, pp. 6-7.

22 <sup>12</sup> Perlmutter Decl., Ex. B (Email from Rick Aramburu to Tim McMahan (June 2, 2023)).

23 <sup>13</sup> Torem Letter, p. 2.

24 <sup>14</sup> On June 23, counsel for the Applicant proposed a phone call so the Applicant, TCC, and  
25 Benton County could discuss and, it was hoped, agree to reasonable parameters for Mr.  
26 Kobus’s deposition. Perlmutter Decl., Ex. C (Email from Willa B. Perlmutter to Ken Harper  
and Rick Aramburu (June 23, 2023)). Approximately three hours later, counsel activated an  
“out of office” notification on her account, indicating that she would have only limited access  
to voicemails and emails but that she would be returning to the office on Monday morning,  
June 26. Perlmutter Decl., ¶¶ 2-5. Later that afternoon, TCC’s counsel responded by  
offering to “consider” the Applicant’s proposed limitations on Mr. Kobus’s deposition, but  
stating that he “must have them by the end of the day given the need to promptly set Mr.  
Kobus [sic] deposition.” Perlmutter Decl., Ex. D (Email from Rick Aramburu to Willa B.

1 The Applicant would also note that once the ALJ made clear that it would have to  
2 produce Mr. Kobus to be questioned under oath regarding “a topic germane to the  
3 adjudication,”<sup>15</sup> the Applicant not only consulted with the putative deponent about his  
4 schedule but also advised TCC that it was doing so with the aim of making him available on  
5 the intervenor’s schedule.<sup>16</sup> A cynic might say that TCC is using the current dispute over  
6 Mr. Kobus’s deposition as an opportunity to seek, yet again, to delay these proceedings.

7 **C. TCC is not entitled to sanctions.**

8 It is remarkable that instead of accepting the Applicant’s invitation to join in a  
9 good-faith discussion aimed at resolving the impasse over the scope of Mr. Kobus’s  
10 deposition, TCC is actually asking the ALJ to reward its intransigence by imposing sanctions  
11 against the Applicant. In support of this perplexing ask, TCC has repeatedly (and to be  
12 perfectly honest, brazenly) mischaracterized the Applicant’s position. In its motion,  
13 TCC claims, over and over again, that the Applicant is “refusing to produce Mr. Kobus for  
14 deposition.”<sup>17</sup> In truth, however, the Applicant is *not* refusing to make Mr. Kobus available.  
15 For example, on June 15, in response to TCC’s request to schedule the deposition for June  
16 22 or 23, counsel wrote:

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18 Perlmutter (June 23, 2023)). Notwithstanding the fact that he has been threatening the instant  
19 motion for roughly the last four weeks, and notwithstanding counsel’s courtesy notice that  
20 she would be unavailable before Monday, June 26, TCC’s counsel filed the instant motion at  
21 4:40 p.m. on Sunday, June 25, 2023.

22 <sup>15</sup> Torem Letter, p. 2.

23 <sup>16</sup> Perlmutter Decl., Ex. E (Email from Willa B. Perlmutter to Rick Aramburu (June  
24 15, 2023)).

25 <sup>17</sup> See, e.g., Motion to Compel, p. 1 (“Applicant has steadfastly refused to produce Mr.  
26 Kobus for his deposition ... .); p. 2 (“Because of the improper refusal of the applicant to  
respond to authorized discovery”); p. 4 (“TCC then met with the continuous refusal of the  
Applicant to make their Project manager available”); p. 5 (“again refusing to make Mr.  
Kobus available” and “Applicant continued its obstinate refusal to make Mr. Kobus  
available”); p. 9 (“[t]he unwarranted refusal of the Applicant to make its Project Manager  
available,” “the frivolous refusals of the Applicant to make his project manager available,”  
and the Applicant “continuously refused to make Mr. Kobus available”).

1 We are checking with Mr. Kobus about his availability and we will circle back  
2 to you on that shortly. ... Any questions you plan to ask Mr. Kobus have to  
3 be limited to those that are consistent with TCC’s role as an intervenor in this  
4 case: specifically, “the organization’s significant interest in wildlife and  
5 ecosystem conservation as well as local decision-making to preserve the  
6 community’s uniquely picturesque natural landscapes.” ***Mr. Kobus will***  
7 ***answer questions on those limited subjects.*** Moreover, we will not agree to  
8 allow Mr. Kobus to respond to any questions regarding land use topics, as  
9 Judge Torem affirmatively identified Benton County as the lead for those  
10 issues. ... We hope that we can agree to these limitations without the need to  
11 involve Judge Torem any more than necessary. Please confirm in writing that  
12 you will agree to limit your questions to the areas identified by the judge and  
13 ***we will work with you to get Mr. Kobus’s deposition scheduled for next***  
14 ***week.*** ... We look forward to your agreement to the approach we’ve  
15 outlined. Once we get your confirmation ***we’ll firm up a date and time for***  
16 ***Mr. Kobus’s deposition.***<sup>[18]</sup>

11 Later, when TCC continued to insist on taking a global, no-holds-barred deposition, the  
12 Applicant tried again:

13 As I hope my previous email made clear, we are not refusing to make Mr.  
14 Kobus available for a deposition. We are, however, unwilling to make him  
15 available for questioning if TCC will not agree in advance to limit the scope  
16 of the deposition to the fairly narrow range of issues that Judge Torem has  
17 identified as the scope of your client’s involvement in this matter. ... We  
18 would be happy to talk with you in an attempt to arrive at an agreement on a  
19 reasonable scope for the deposition you seek. ... Once more, however, please  
20 understand that we hope that will not be necessary and that we can reach a  
21 reasonable accommodation that gets you what you need – while still  
22 respecting the appropriate statutory and procedural status of this matter and  
23 TCC’s narrowly defined role in it.<sup>[19]</sup>

20 Even when it should have been clear that TCC would not engage in a good-faith effort to  
21 reach an agreement on the scope of the deposition, counsel for the Applicant offered another  
22 path to helping TCC learn what it wanted to know:

23 Here’s what we suggest as a possible way to break our current impasse. If  
24 you’ll submit the questions you’d like to ask Mr. Kobus, we’ll undertake to

25 <sup>18</sup> Perlmutter Decl., Ex. E (emphasis added).  
26 <sup>19</sup> Perlmutter Decl., Ex. F (Email from Willa B. Perlmutter to Rick Aramburu (June  
18, 2023)) (emphasis in original).

1 have Mr. Kobus answer them in good faith, in writing and under oath, subject  
2 to the objections we’re raising as to scope. If that won’t work for you and  
3 your client, it would appear the parties might need to ask Judge Torem to  
4 weigh in with direction as to the limits, if any, to be put on your lines of  
5 questioning for Mr. Kobus. We still hope you’ll voluntarily agree to limit the  
6 scope of Mr. Kobus’s deposition to something less than the entire universe of  
7 issues the original and amended applications might touch upon, ***in which case***  
8 ***none of this will be necessary and we can get the deposition scheduled in***  
***short order***. In the alternative, as noted, we’d be happy to submit your  
questions to Mr. Kobus for written answers. Failing that, we’ll wait for the  
motion you seem to feel is necessary. That said, however, if you have another  
solution, we’d be happy to discuss it with you in an effort to get this moving  
forward again.<sup>[20]</sup>

9 Perhaps naïvely, the Applicant tried one last time to get the parties back on track:

10 Here’s a suggestion that might help us move forward with regard to Mr.  
11 Kobus’s deposition. We’d propose a call among the three of us to see if we  
12 can’t iron out an agreement regarding the permissible scope of  
13 questioning. As we’ve indicated in previous emails, we’re happy to make him  
14 available as long as we can put reasonable guardrails on the subjects for  
15 deposition. It seems to me that rather than trying to fight it out by email, our  
clients might be well served if we just get on the phone and try to talk it out.  
... I hope we can get things back on track so we can get Mr. Kobus deposed  
and move on from there.<sup>[21]</sup>

16 Rather than accept the various invitations it was offered to engage in a collective effort to  
17 resolve the impasse, TCC filed the instant motion. The Applicant’s efforts to bring TCC to  
18 the table were entirely consistent with the ALJ’s encouragement to the parties to resolve  
19 discovery disputes without involving the Council or ALJ,<sup>22</sup> and yet they were met with  
20 derision and a motion for sanctions.

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23 <sup>20</sup> Perlmutter Decl., Ex. G, (Email from Willa B. Perlmutter to Rick Aramburu (June 20,  
24 2023) (emphasis added)). The Applicant’s good-faith offer to find another way to  
25 accommodate TCC’s request to question Mr. Kobus hardly amounts to what TCC  
characterizes as the Applicant “apparently requiring TCC to submit interrogatories under  
Rule 33 rather than a deposition under Rule 30.” Motion to Compel, p. 9.

26 <sup>21</sup> Perlmutter Decl., Ex. C.

<sup>22</sup> Second Pre-Hearing Conference Order, p. 4.



1 Not only did TCC ignore the spirit of the ALJ’s order regarding discovery; it ignored  
2 the letter of the order as well. “Filing motions to compel discovery should be a last resort for  
3 any party and *must show good cause and further demonstrate how and why less formal*  
4 *measures were attempted and refused.*”<sup>23</sup> TCC has made no effort whatsoever to show good  
5 cause for its motion, let alone demonstrate “how and why less formal measures were  
6 attempted and refused.” This is undoubtedly because TCC simply could not make the  
7 requisite showing.

8 TCC seems to interpret the ALJ’s suggestion that the parties accomplish discovery  
9 informally to mean that it should repeat its demands ever more stridently, without giving  
10 even cursory consideration to the Applicant’s offers of cooperation. The ALJ encouraged the  
11 parties to look for ways to facilitate the exchange of information relevant to the adjudication,  
12 writing that he “use[d] this correspondence to again encourage the Applicant and TCC ... to  
13 use informal discovery methods to gather any information a party may think is relevant to  
14 this proceeding. In [his] humble experience, when one asks for information, one generally  
15 receives what they’re seeking.”<sup>24</sup> Following that admonition, and consistent with the  
16 ALJ’s direction, the Applicant offered a number of creative, reasonable suggestions in good  
17 faith to resolve the dispute and provide a means by which TCC could obtain the information  
18 it sought without needing to engage the ALJ. TCC has batted each of them aside, ignoring  
19 its own role in the impasse even as it asks the ALJ to award sanctions against the Applicant.

20 Sanctions are simply not warranted. TCC may disagree with the Applicant’s position  
21 on the permissible scope of Mr. Kobus’s deposition, but as shown above, there is no remote  
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24 <sup>23</sup> Second Pre-Hearing Conference Order, p. 4 (emphasis added). “The *Second Prehearing*  
25 *Conference Order* was an Order, not a suggestion.” Order Denying Joint Motion to Strike  
26 Applicant’s Direct Testimony; Admonishing Applicant and Granting Alternate Relief to  
Moving Parties (and Counsel for the Environment) (June 26, 2023), p. 2 (emphasis in  
original).

<sup>24</sup> Torem Letter, p. 2.

1 basis for concluding that Applicant is acting “frivolously” or in bad faith.<sup>25</sup> Nor is there any  
2 justification for TCC to use that language. The Applicant’s position is based in a good-faith  
3 interpretation of the orders that govern this adjudication.

4 In any event, TCC’s reference to Civil Rule (“CR”) 26(g) is inapposite. The Rule  
5 provides that sanctions may be imposed when an attorney or party signs discovery responses  
6 and falsely certifies that those responses were made properly and in good faith.<sup>26</sup> Even if the  
7 ALJ would be willing to overlook the procedural context within which CR 26(g) is set, the  
8 correspondence detailed above shows that at all times the Applicant has been acting in good  
9 faith, bending over backwards in an admittedly failed attempt to try to reach a reasonable  
10 solution that accommodates the needs of each side.<sup>27</sup>

11 Finally, TCC’s representation that the Applicant was required to file a motion for  
12 protective order is both unsupported and incorrect as a matter of law.<sup>28</sup> Not only does no  
13 such requirement exist; CR 26 provides avenues for both motions to compel and motions for  
14 protective orders, depending on which party is doing the filing. Logically, too, if a motion  
15 for protective order is always required under these circumstances, as TCC misrepresents,  
16 there would be no reason a litigant would ever have to move to compel discovery. In this  
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19 <sup>25</sup> Motion to Compel, pp. 9-11 (“TCC has had to respond to the frivolous refusals of the  
20 Applicant to make his [sic] project manager available for deposition”).

21 <sup>26</sup> CR 26(g) (“If a certification is made in violation of the rule, the court, upon motion or  
22 upon its own initiative, shall impose upon the person who made the certification, the party on  
23 whose behalf the request, response, or objection is made, or both, an appropriate sanction  
24 ...”).

25 <sup>27</sup> Nor would sanctions be appropriate under CR 11, which by its terms applies to pleadings,  
26 motions, and legal memoranda. CR 11(a)(4) (“If a pleading, motion, or legal memorandum  
is signed in violation of this rule, the court, upon motion or upon its own initiative, may  
impose upon the person who signed it, a represented party, or both, an appropriate sanction  
...”).

<sup>28</sup> Motion to Compel, p. 8 (“the Applicant has not moved for a protective order, which is  
required before a party can withhold a witness from discovery”).

1 case, the only date ever noticed for Mr. Kobus’s deposition has long since come and gone, so  
2 it would not have made sense for the Applicant to move for a protective order.

3 TCC’s request for sanctions should be denied.

4 **D. The Applicant respectfully seeks a protective order that limits the scope**  
5 **of Mr. Kobus’s deposition.**

6 As noted above, TCC steadfastly refuses to agree voluntarily to limit the scope of  
7 intended deposition of Dave Kobus to something less than “questions about the original and  
8 amended ASC.”<sup>29</sup> CR 26(c) provides, among other things, that “[u]pon motion by a party or  
9 by the person from whom discovery is sought, and for good cause shown, the court in which  
10 the action is pending ... may make any order which justice requires to protect a party or  
11 person from annoyance, embarrassment, oppression, or undue burden or expense, including  
12 one or more of the following: ... (4) that certain matters not be inquired into, or that the  
13 scope of the discovery be limited to certain matters ... .”

14 The Applicant respectfully requests that the ALJ issue a protective order limiting the  
15 scope of discovery to those matters for which TCC’s involvement has been authorized  
16 pursuant to Second Pre-Hearing Conference Order: specifically, wildlife and ecosystem  
17 conservation and local decision-making to preserve the community’s uniquely picturesque  
18 natural landscape; and, in coordination with Benton County, concerns over land use. The  
19 Applicant further seeks an order that authorizes its counsel where appropriate to instruct  
20 Mr. Kobus to refuse to answer questions that fall outside the scope of TCC’s identified role  
21 as intervenor.

22 **III. CONCLUSION**


23 The Applicant recognizes and of course absolutely respects the ALJ’s desire that the  
24 parties work together as professionals so he can avoid having to intervene in needless  
25 discovery disputes. The Applicant has made sincere efforts, in good faith, to avoid being in  
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<sup>29</sup> Perlmutter Decl., Ex. A.

1 the position in which it finds itself, but to no avail. For the foregoing reasons, the Applicant  
2 Scout Clean Energy respectfully requests that the ALJ deny TCC’s Motion to Compel  
3 Attendance of Senior Product Manager David Kobus at a Deposition and For Sanctions and  
4 enter a protective order limiting the scope of questions that Dave Kobus may be asked to  
5 those matters previously authorized as within the role of TCC’s status as intervenor in this  
6 adjudication.

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DATED: June 28, 2023.

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1 **CERTIFICATE OF FILING AND SERVICE**

2 I hereby certify that on June 28, 2023, I filed the foregoing with the Washington  
3 Energy Facility Site Evaluation Council through electronic filing via email to  
4 adjudication@efsec.wa.gov.

5 I hereby certify that I have this day served the foregoing document upon all parties  
6 of record in this proceeding by electronic mail at the email addresses listed on the attached  
7 Service List.

8  
9 DATED: June 28, 2023.

10 STOEL RIVES LLP

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