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COPY WITHOUT ENCLOSURES VIA FACSIMILE TO (952) 941-7968
(ORIGINAL AND ENCLOSURES TO FOLLOW BY MAIL)

George Hoff, Esq.
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Re: State by Kasson Alliance for Restoration v. City of Kasson
Dodge County Court File No. 20-CV-07-516

Dear Counsel:

Enclosed and served on you are my client's responses to your first sets of interrogatories and requests for production of documents. These copies are unsigned, but my client has reviewed them carefully and approved them. I will send you executed signature pages once I receive them, which should be very soon.

Thank you again for your courtesy in granting me an extension of time in which to respond.

Yours truly,



Mark R. Anfinson

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF DODGE

THIRD JUDICIAL DISTRICT
Case Type: Other Civil

State of Minnesota, by
Kasson Alliance for Restoration, Inc.,

Court File No.20-CV-07-516

Plaintiff,

v.

**PLAINTIFF'S ANSWERS TO
DEFENDANT'S FIRST SET OF
INTERROGATORIES**

City of Kasson, a Minnesota municipal
corporation,

Defendant.

STATE OF MINNESOTA)
)ss.
COUNTY OF RAMSEY)

For its answers to defendant's First Set of Interrogatories, plaintiff, by the undersigned, states on oath or affirms as follows:

1. Identify every person you consulted with or that provided you with assistance or information regarding your answers to these Interrogatories.

ANSWER:

Diane O'Brien-Berge
(President, KARE)
71,528 260th Avenue
Hayfield, Minnesota 55940
(507) 365-8324

Kenton Spading
(KARE Chief Research Officer)
1586 Grotto Street N.
St. Paul, Minnesota 55117
(651) 488-8893

2. Identify each and every person with knowledge about the allegations in your Complaint, the subject matter of this lawsuit, or the claims or defenses asserted therein.

ANSWER: Plaintiff objects to this interrogatory on the grounds that its scope is impossibly broad. Plaintiff has no way of knowing the identity of every person who possesses such knowledge; there might be thousands. The entire adult population of Kasson and surrounding communities may know something about the historic Kasson Public School and plaintiff's claims. Notwithstanding this objection, the identities of such persons specifically known to plaintiff that may have information within the meaning of Rule 26 are as follows:

Defendant's officers, employees, consultants, and officials.

Diane O'Brien-Berge
(President of KARE)
71,528 260th Avenue
Hayfield, Minnesota 55940
(507) 365-8324

Daniel Hoisington
Hoisington Preservation
P. O. Box 13,790
Roseville, Minnesota 55113
(651) 415-1034

Kenton Spading
(KARE Chief Research Officer)
1586 Grotto Street N.
St. Paul, Minnesota 55117
home: (651) 488-8893
office: (651) 290-5623

Susan Roth
National Register Historian
State Historic Preservation Office
Minnesota Historical Society
345 Kellogg Blvd. West
St. Paul, Minnesota 55102
(651) 259-3450

3. With respect to each person identified in your Answer to Interrogatory No. 2, state in detail the knowledge that person possesses.

ANSWER: Please see the affidavits submitted in support of plaintiff's motion for a temporary injunction, with their attachments. For the city's officers, employees, consultants, and officials, defendant can presumably determine the knowledge possessed by each without plaintiff's involvement.

4. Identify all witnesses you expect to call at a hearing, trial, or other proceeding in this lawsuit, and describe their anticipated testimony, whether or not you have made a final commitment as to your witness list.

ANSWER: Diane O'Brien-Berge and Kenton Spading (identified above). Their testimony will cover matters associated with the subject and background of this litigation, including the character and organization of plaintiff. This answer will be supplemented as appropriate.

5. Identify all persons whom you expect to call as an expert witness at a hearing, trial, or other proceeding in this lawsuit, separately identifying the following:

- a. The name of any and all experts;
- b. The subject matter on which the expert is expected to testify;
- c. The facts and opinions to which the expert is expected to testify; and
- d. The grounds for each expert's opinion.

ANSWER: Daniel Hoisington and Susan Roth will testify as to the school's historic significance. Initial information on the facts, opinions, and grounds therefor can be found in the affidavits they submitted in support of plaintiff's motion for a temporary injunction; this answer will be supplemented as further information becomes available.

A representative (yet to be determined) of Kane and Johnson Architects. Initial information on the facts, opinions, and grounds therefor can be found in the City of Kasson Space Needs Study submitted by the firm; this answer will be supplemented as further information becomes available.

If plaintiff identifies additional possible expert witnesses, this answer will be supplemented.

6. Describe in detail, not in summary fashion, any and all communications, in any form whatsoever, that you have had with Defendant City of Kasson, and for each communication, state in detail the following:

- a. The date of the communication;
- b. The names of the people involved;
- c. The medium of communication;
- d. The subject matter and content of the communication with particularity; and
- e. The existence and identity of any documents that memorialize the communication.

ANSWER: Plaintiff objects to this interrogatory because it is unnecessarily cumulative, given that defendant can readily examine its own employees, agents, and officials in order to obtain the information requested. Notwithstanding the objection, plaintiff has specific records of the following communications:

- i. Oral requests to city administrator Randy Lenth for entry to the historic school building on November 15, 2006, and January 10, 2007;
- ii. A meeting between two KARE members and Mr. Lenth on March 23, 2007;

- iii. Discussions with city officials during the surplus auction held at the school on April 12;
- iv. Presentations to the city council on April 11 and April 25;
- v. Discussions between Kenton Spading and the mayor on April 9, April 15, and one date in May, 2007;
- vi. Reports made April 29 to the Kasson police department and the mayor of possible criminal activity on the school grounds;
- vii. Discussions during various telephone calls to and chance encounters with the mayor and council members during March and April;
- viii. A follow-up phone call to a council member after plaintiff received a letter directing all further communications to be made via the city's attorney, and a chance encounter with the mayor at which the topic was raised.

With the exception of the aforementioned letter itself, plaintiff is not aware of any documents that memorialize these communications. Until that letter was received, various KARE members spoke to the mayor and members of the city council and staff between November 2006 and May 2007, on the telephone and at city council meetings.

7. Describe in detail, not in summary fashion, any and all communications, in any form whatsoever, that you have had with third parties relating to the School, the allegations in your Complaint, the subject matter of this lawsuit, or any of the claims or defenses asserted therein, and for each communication, state in detail the following:
- a. The date of the communication;
 - b. The names of the people involved;
 - c. The medium of communication;
 - d. The subject matter and content of the communication with particularity; and
 - e. The existence and identity of any documents that memorialize the communication.

ANSWER: Plaintiff objects to this interrogatory to the extent it seeks information subject to the attorney-client privilege or the work product doctrine. Notwithstanding this objection, plaintiff has records of the following communications:

- i. Numerous conversations with Bonnie McDonald and her staff at the Preservation Alliance of Minnesota.

ii. Conversations during the past six months with Dennis Gimmestad, Susan Roth, and Britta Bloomberg at the State Historic Preservation Office of the Minnesota Historical Society.

iii. Many letters to newspaper editors that related to the school.

iv. Telephone conversations concerning possibilities for reuse of the building with the following third parties, from late January 2007 to the present:

Jeff Allman
Allman & Associates, Rochester
(507) 282-9082

Brent Graunke
Construction Collaborative, Rochester
(507) 289-9002

Rob McCready
Metro Plains, Inc., St. Paul
(651) 523-1252

Teri Deaver
Art Space, Minneapolis
(612) 333-9012

Kim Portz
Kim Portz Architects, Grand Meadow
(507) 754-6780

Plaintiff is not aware of any further information in its possession concerning the time, date, or particulars of these discussions, or of any documents that memorialize them other than those in the public record.

8. Describe in detail, not in summary fashion, any and all efforts you made, including any and all monies expended, to persuade the citizens of Kasson to approve the \$3.9 million bond referendum for rehabilitation of the School on November 7, 2006.

ANSWER: Plaintiff objects to this request as being beyond the scope of discovery because it is not relevant to any claim or defense, nor is it reasonably calculated to lead to the discovery of admissible evidence.

9. Describe in detail, not in summary fashion, all facts which support your allegation that the School is a historical resource within the meaning of the Minnesota Environmental Rights Act.

ANSWER: Please see the affidavits by Daniel Hoisington and Susan Roth submitted in support of plaintiff's motion for a temporary injunction. In addition, Daniel Hoisington has prepared a nomination of the Kasson School to the National Register of Historic Places, a copy of which is provided in response to the Request for Production of Documents. This answer will be supplemented as appropriate.

10. Describe every document or other item of physical evidence not previously identified which is known to you that relates in any way to the School, the allegations in your Complaint, the subject matter of this lawsuit, or the claims and defenses asserted therein, whether or not you have made a final commitment as to your exhibit list.

ANSWER: Plaintiff objects to this interrogatory to the extent that it is unduly burdensome, and on the basis that it would require plaintiff to identify items beyond the scope of discovery because they are not relevant to any claim or defense, or reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding this objection, plaintiff is not aware at this time of additional items that are properly responsive to the interrogatory. However, this answer will be supplemented as appropriate.

FURTHER YOUR AFFIANT SAITH NOT.

Kenton Spading

Subscribed and sworn to or affirmed before me
on this _____ day of September, 2007

Notary Public

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF DODGE

THIRD JUDICIAL DISTRICT
Case Type: Other Civil

State of Minnesota, by
Kasson Alliance for Restoration, Inc.,

Court File No.20-CV-07-516

Plaintiff,

v.

City of Kasson, a Minnesota municipal
corporation,

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

Defendant.

STATE OF MINNESOTA)
)ss.
COUNTY OF RAMSEY)

For its responses to defendant's First Request for Production of Documents,
plaintiff, by the undersigned, states on oath or affirms as follows:

1. All documents related to, used in drafting, or referenced in your Complaint.

RESPONSE: A copy of the Historical Review of the Kasson Public School and its architect presented to the city council by Kenton Spading on April 11, 2007, is enclosed.

2. All documents related to, used in drafting, or referenced in your Answers to Defendant City of Kasson's First Set of Interrogatories served herewith.

RESPONSE: Most such documents (the Hoisington, O'Brian-Berge, Roth, and Spading affidavits, and the Kane and Johnson Space Needs Study) are already in the possession of defendant. A copy of nomination of the building to the National Register of Historic Places, prepared by Daniel Hoisington, is enclosed.

3. All documents that you intend to introduce at a hearing, trial, or other proceeding in this matter whether or not you have made a final decision as to your exhibit list.

RESPONSE: Beyond the documents served on defendant in connection with plaintiff's motion for a temporary injunction, none has yet been identified, except for the National Register nomination referred to above. This response will be supplemented as appropriate.

4. All documents relating to or evidencing communications in any form between you and Defendant City of Kasson.

RESPONSE: Plaintiff objects to this interrogatory because it is unnecessarily cumulative, given that defendant can readily examine its own records in order to obtain the information requested. During the two presentations made to the city council in April 2006, Kenton Spading distributed articles on historic schools that have been preserved, a chronology of KARE's activities, and a report on the history of the school to city council and staff members.

5. A copy of all information you have provided to the Minnesota Historical Society, as alleged in Paragraph 19 of your Complaint, or that you have received from them.

RESPONSE: Please see the affidavit of Susan Roth submitted in support of plaintiff's motion for a temporary injunction, and the National Register nomination referred to above.

6. A copy of all documents and information you have received from third parties related to the School, the allegations in your Complaint, the subject matter of this lawsuit, or the claims and defenses asserted therein.

RESPONSE: Plaintiff objects to this interrogatory to the extent it seeks information subject to the attorney-client privilege or the work product doctrine. Notwithstanding this objection, at present there are no such documents. This response will be supplemented as appropriate.

7. A copy of all agreements that you have entered into with third parties relating to the School.

RESPONSE: At present there are no such agreements. If and when any is entered into, a copy will be supplied to defendant.

8. All documents relating to or evidencing communications in any form between you and

any third parties concerning the School, the allegations in your Complaint, the subject matter of this lawsuit, or the claims and defenses asserted therein.

RESPONSE: Plaintiff objects to this interrogatory to the extent it seeks information subject to the attorney-client privilege or the work product doctrine. Notwithstanding this objection, there are no such documents except the letters to newspaper editors, which are in the public record. This response will be supplemented as appropriate.

9. The resume or curriculum vitae of each expert engaged by Plaintiff in anticipation of testifying at a hearing, trial, or other proceeding in this litigation.

RESPONSE: Daniel Hoisington's *curriculum vitae* was served on defendant in connection with the motion for a temporary injunction. No other expert has been engaged in the sense evidently meant by this request. This response will be supplemented as appropriate.

10. A copy of all documents related to reuse or redevelopment of the School, including, but not limited to, studies, management plans or agreements, projections, evaluations, site plans, surveys, blueprints, business plans, offer letters, letters of intent, estimates, and appraisals.

RESPONSE: At present there are no such documents. This response will be supplemented as appropriate.

11. A copy of all documents related to your efforts to persuade the citizens of Kasson to approve the \$3.9 million bond referendum for rehabilitation of the School on November 7, 2006, including, but not limited to, flyers, brochures, pamphlets, newspaper articles, meeting agendas, minutes, web site articles, press releases, petitions, receipts, and checks.

RESPONSE: Plaintiff objects to this request as being beyond the scope of discovery because it is not relevant to any claim or defense, nor is it reasonably calculated to lead to the discovery of admissible evidence.

12. All documents that support your allegation that the School is a historical resource within the meaning of the Minnesota Environmental Rights Act, including, but not limited to, all documents prepared by or relied on by any experts you have retained.

RESPONSE: Please see the affidavits submitted in support of plaintiff's motion for a temporary injunction, with their attachments, and the National Register nomination referred to above.

13. To the extent not already requested, every document or other item of physical evidence that relates in any way to the School, the allegations in your Complaint, the subject matter of this lawsuit, or the claims and defenses asserted therein, whether or not you have made a final commitment as to your exhibit list.

RESPONSE: Plaintiff is not aware of any such documents within the meaning of Rule 26. To the extent that plaintiff should identify such items as the litigation proceeds, this response will be supplemented. Defendant may also examine plaintiff's Web site, <http://www.kassonalliance.org/kassonschool.htm>.

FURTHER YOUR AFFIANT SAITH NOT.

Kenton Spading

Subscribed and sworn to or affirmed before me
on this _____ day of September, 2007

Notary Public