

STATE OF NEW YORK
ADIRONDACK PARK AGENCY

In the Matter of the Application of

**UNCONVENTIONAL CONCEPTS, INC.
and MICHAEL HOPMEIER**

for a Permit pursuant to Section 809 of the
Adirondack Park Agency Act and
9 NYCRR Parts 573 and 574

**RESPONSE TO APPLICANTS'
DOCUMENT DEMANDS**

APA Project No. 2021-0276

Intervenor Adirondack Council, Inc. (the "Council"), through its attorneys, Whiteman, Osterman & Hanna LLP, hereby responds as follows to the Demands for Documents and Things (the "Demands") from Unconventional Concepts, Inc. and Michael Hopmeier (the "Applicants") pursuant to 9 NYCRR Part 580 and the Administrative Law Judge's March 13, 2026 Second Revised Scheduling Order (the "Scheduling Order").

GENERAL OBJECTIONS TO DOCUMENT REQUESTS

The purpose of these general objections is to avoid restating them in their entirety in response to each demand for production of documents. The Council reserves the right to assert additional objections or supplemental responses as future investigations and discovery may reveal. Thus, the Council states the following general objections to the Applicants' Demand:

A. The Council shall respond to the Demands as required by applicable rules, procedures, or orders, and the Council objects to any instruction or definition, which is intended to expand the scope thereof.

B. To the extent that the Applicants' Demands seek the production of information that is privileged or protected from disclosure, same shall not be produced except as required under

applicable rules, procedures, or orders. To the extent that any privileged or protected information is inadvertently provided, such disclosure shall not be construed as a waiver of such privilege or protection.

C. Demands which are unduly burdensome shall not be produced. For example, The Councils object to any demand for production of documents to which Applicants has the same access as The Council.

D. The Council objects to Demands which are not relevant to the subject matter involved in the pending application or not reasonably calculated to lead to the discovery of admissible evidence.

E. The Council objects to discovery sought which may cause undue burden or expense.

F. The Council objects to any discovery requests to the extent that Applicants seek information not in its possession, custody or control.

G. The Council objects to any requests to the extent such requests call for legal conclusions.

H. The Council, by providing responses to Applicants' Demands, does not waive or intend to waive and intends to preserve and does preserve:

- (i) all objections as to competency, relevancy, materiality and admissibility;
- (ii) all rights to object on any grounds as to the use of any of the responses herein during any subsequent proceedings, including this administrative hearing or any other action;
- (iii) all objections as to vagueness, broadness and ambiguity;
- (iv) all rights to object on any ground to any further discovery requests in this action; and
- (v) all rights to amend and/or supplement these responses.

I. The Council objects to the Applicants' Demands to the extent that they do not limit its scope to a finite period of time.

J. In producing documents in response to the Applicants' Demands, the Council does not concede that such documents are relevant to the subject matter involved in the pending administrative hearing, the claims or defenses of any party herein, or are reasonably calculated to lead to the discovery of admissible evidence. The Council expressly reserves the right to object to the use of any documents produced in response to the Applicants' Demands at any point in this proceeding on any grounds.

K. The Council's responses to Applicants' Demands is not intended to be exhaustive of all the evidence that exists on the subject; rather, the evidence supplied is that which the Council is presently capable of identifying. The Council reserves the right to supplement the production on a rolling basis as it discovers additional documents responsive to the Applicants' Demands. In addition, any fact document or oral statement that the Council may cite in any prehearing submission that has not been previously included as part of the responses to the Applicants' Demands will be deemed to have been incorporated into such responses as a supplement to the original responses.

L. In producing documents responsive to the Applicants' Demands, the Council does not waive any objections to any other discovery request involving or relating to the subject matter of the Applicants' Demands.

M. Each of the foregoing objections shall be deemed incorporated herein in response to each of the specific paragraphs of the Applicants' Demands.

SPECIFIC OBJECTIONS AND RESPONSES TO APPLICANTS' DEMAND

1. All Documents supporting any contention that the Project will result in adverse environmental impacts.

RESPONSE: The Council objects to this document request on the grounds set forth in the General Objections. The Council further objects as this document request is premature at this stage of the hearing.

2. All expert reports, opinions, or analyses prepared or relied upon regarding the Project and for presentation of evidence in the Hearing.

RESPONSE: The Council objects to this document request on the grounds set forth in the General Objections. The Council further objects as this document request is premature at this stage of this hearing. Subject to and without waiving any of the above objections, the Council will conduct a reasonable search for documents to identify and produce in response to this request.

3. All Communications (including but not limited emails) between You and any third party relating to the Project or this Hearing.

RESPONSE: The Council objects to this document request on the grounds set forth in the General Objections. Subject to and without waiving any of the above objections, the Council will conduct a reasonable search for documents to identify and produce in response to this request.

4. All Documents relating to any studies, modeling, or data used to evaluate environmental impacts of the Project.

RESPONSE: The Council objects to this document request on the grounds set forth in the General Objections. The Council further objects as this document request seeks documents that are in Applicants' possession. Subject to and without waiving any of the

above objections, The Council will conduct a reasonable search for documents to identify and produce in response to this request.

5. All Documents supporting any claim that the Project fails to comply with applicable statutes, regulations, or permit criteria.

RESPONSE: The Council objects to this document request on the grounds set forth in the General Objections. The Council further objects as this document request is premature at this stage of the hearing.

6. All Documents relating to alternative projects or mitigation measures You contend are preferable.

RESPONSE: The Council objects to this document request on the grounds set forth in the General Objections. The Council further objects as this document request is premature at this stage of the hearing.

7. All Documents You intend to rely upon at the Hearing.

RESPONSE: The Council objects to this document request on the grounds set forth in the General Objections. The Council further objects as this document request is premature at this stage of the hearing.

8. All Documents reflecting funding sources, sponsorship, or financial support related to Your participation in this proceeding.

RESPONSE: The Council objects to this document request on the grounds set forth in the General Objections.

9. All Documents reflecting current and past membership in Your organization, including lists of names of current and past members from 1990 to present.

RESPONSE: The Council objects to this document request on the grounds set forth in the General Objections.

10. The following are to be responded to by Adirondack Council only:

(a) All Documents reflecting current and past membership in Your organization, of Rush Holt, Jr. from 1990 to present.

(b) All Communications between Rush Holt, Jr. and any member, officer, employee, and staff person of Your organization relating to the Project and Hearing.

RESPONSE: The Council objects to this document request on the grounds set forth in the General Objections.

Whiteman Osterman & Hanna LLP
Attorneys for Adirondack Council, LLC



Paul Van Cott

Dated: April 29, 2026

TO: Applicants
Service List