

STATE OF NEW YORK
ADIRONDACK PARK AGENCY

In the Matter of the Application of

APA Project No. 2021-0276

UNCONVENTIONAL CONCEPTS, INC.
and MICHAEL HOPMEIER

**SIERRA CLUB ATLANTIC CHAPTER'S RESPONSES AND OBJECTIONS TO
APPLICANTS' DEMANDS FOR PRODUCTION OF DOCUMENTS**

Sierra Club Atlantic Chapter ("Sierra Club"), by and through its undersigned counsel, hereby responds and objects to Applicants' Demands for Production of Documents and Things dated April 8, 2026, as follows. These responses are made for purposes of this proceeding only. By responding, Sierra Club does not concede the relevance, materiality, admissibility, or discoverability of any requested document or information, nor does it waive any objection. Sierra Club also reserves the right to update and amend these responses as new documents or information becomes available.

General Objections

Sierra Club objects to every demand to the extent it seeks documents or information that are irrelevant, immaterial, cumulative, overly broad, unduly burdensome, disproportionate, vague, ambiguous, not reasonably limited in scope or time, or otherwise outside the proper scope of discovery in this administrative proceeding.

Sierra Club further objects to every demand to the extent it seeks documents or information protected from disclosure by the attorney-client privilege, attorney work-product doctrine, trial-preparation privilege, common-interest doctrine, or any other applicable privilege, immunity, or protection.

Sierra Club further objects to every demand to the extent it seeks documents or information concerning internal organizational affairs, membership information, donor information, financial support, associational activity, or communications unrelated to the issues identified for adjudication in this matter, including where disclosure would invade privacy interests or chill protected associational rights.

Sierra Club further objects to the definitions and instructions to the extent they purport to impose obligations broader than those required by applicable law, including, but not limited to, demands for “all” documents “relating to” broadly defined subjects, demands for information in the possession of counsel to the extent privileged, and demands for perpetual supplementation beyond what is required by applicable rule or order.

Subject to and without waiving the foregoing General Objections, Sierra Club responds as follows:

Response to Demand No. 1

Demand: “All Documents supporting any contention that the Project will result in adverse environmental impacts.”

Response: Sierra Club objects to this demand as overly broad, unduly burdensome, vague, and not reasonably limited in scope, including because the phrase “all Documents supporting any contention” is expansive and undefined. Sierra Club further objects to this demand to the extent it seeks privileged material, attorney work product, internal legal analysis, or trial-preparation material. Sierra Club also objects that the full extent of Sierra Club’s contentions will be provided through direct testimony and developed further during this proceeding, and that information is best obtained in that manner.

Subject to and without waiving these objections, Sierra Club states that materials reviewed to date include publicly available documents on the APA hearing website, including the Project application materials, Notices of Incomplete Application, public comments, and APA Staff hearing materials. Sierra Club will produce or identify non-privileged documents, if any, that it intends to rely upon at the Hearing and that are responsive to the issues identified for adjudication in this proceeding, in accordance with the schedule established by the Hearing Officer.

Response to Demand No. 2

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

Response: Sierra Club objects to this demand to the extent it seeks privileged communications, draft expert materials, attorney work product, or non-testifying expert materials not otherwise discoverable. Sierra Club further objects to the demand as overbroad to the extent it seeks materials not intended for use in the Hearing. Sierra Club also objects that the full extent of Sierra Club’s contentions will be provided through direct testimony and developed further during this proceeding, and that information is best obtained in that manner.

Subject to and without waiving these objections, Sierra Club will produce non-privileged expert reports or expert materials, if any, that it intends to rely upon or introduce at the Hearing at the time and place required by the Hearing Officer and in accordance with the applicable scheduling order and disclosure requirements governing this proceeding.

Response to Demand No. 3

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

Response: Sierra Club objects to this demand as facially overbroad, unduly burdensome, vague, and not reasonably limited in subject matter, custodian, or time. The demand improperly seeks “all Communications” with “any third party” “relating to” the Project or Hearing, which could encompass an enormous volume of irrelevant material. Sierra Club further objects because the demand seeks privileged communications, attorney work product, communications with consultants or experts protected from disclosure, internal strategic communications, and communications implicating protected associational activity.

No production will be made to this demand as drafted, except that non-privileged documents Sierra Club intends to rely upon at the Hearing will be produced in response to Demand No. 7 or otherwise in accordance with applicable disclosure obligations.

Response to Demand No. 4

Demand: “All Documents relating to any studies, modeling, or data used to evaluate environmental impacts of the Project.”

Response: Sierra Club objects to this demand as overly broad and vague to the extent it seeks “all Documents relating to” any study, modeling, or data without reasonable limitation. Sierra Club further objects to the extent the demand seeks privileged materials, attorney work product, draft analyses, or materials not intended for use in the Hearing. Sierra Club also objects that the full extent of Sierra Club’s contentions will be provided through direct testimony and developed further during this proceeding, and that information is best obtained in that manner.

Subject to and without waiving these objections, Sierra Club states that studies, modeling, or data reviewed to date are contained in or referenced by Project application materials, Notices of Incomplete Application, Applicant responses, related hearing documents, and public comments available on the APA hearing website. Sierra Club will produce or identify non-privileged studies, modeling, data, or related materials, if any, that it intends to rely upon at the Hearing, in accordance with the schedule established by the Hearing Officer.

Response to Demand No. 5

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

Response: Sierra Club objects to this demand as overly broad, vague, and unduly burdensome, including because it is not limited to the adjudicable issues in this proceeding and seeks “all Documents” supporting “any claim.” Sierra Club further objects to the extent this demand seeks legal research, legal theories, attorney-client communications, attorney work product, or trial-preparation materials. Sierra Club also objects that the full extent of Sierra Club’s contentions will be provided through direct testimony and developed further during this proceeding, and that information is best obtained in that manner.

Subject to and without waiving these objections, Sierra Club will produce or identify non-privileged documents, if any, that it intends to rely upon at the Hearing in support of positions within the scope of the adjudicated issues, in accordance with the schedule established by the Hearing Officer.

Response to Demand No. 6

Demand: “All Documents relating to alternative projects or mitigation measures You contend are preferable.”

Response: Sierra Club objects to this demand as vague and overly broad to the extent it seeks “all Documents relating to” any alternative project or mitigation measure without limitation. Sierra Club further objects to the extent this demand assumes facts not established, including that Sierra Club is contending that specific alternative projects are “preferable,” and to the extent it seeks privileged or work-product material. Sierra Club also objects that the full extent of Sierra Club’s contentions will be provided through direct testimony and developed further during this proceeding, and that information is best obtained in that manner.

Subject to and without waiving these objections, to the extent Sierra Club intends to present non-privileged documents concerning mitigation measures or alternatives at the Hearing, such documents will be produced.

Response to Demand No. 7

Demand: “All Documents You intend to rely upon at the Hearing.”

Response: Subject to the General Objections, Sierra Club will produce or identify non-privileged documents currently identified that it intends to rely upon at the Hearing, in accordance with the governing scheduling order, the schedule established by the Hearing Officer,

and applicable procedural requirements. Sierra Club reserves the right to supplement this response as appropriate and consistent with those requirements.

Response to Demand No. 8

Demand: “All Documents reflecting funding sources, sponsorship, or financial support related to Your participation in this proceeding.”

Response: Sierra Club objects to this demand as irrelevant, immaterial, overbroad, unduly burdensome, and outside the proper scope of discovery in this proceeding. Sierra Club further objects because the demand seeks confidential internal organizational and financial information and information implicating protected associational activity and is not relevant to the adjudicable issues in this matter. Sierra Club’s funding sources, sponsorship, financial support, and internal organizational information have no bearing on the Hearing issues or the presentation and examination of Hearing evidence.

No documents will be produced in response to this demand.

Response to Demand No. 9

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

Response: Sierra Club objects to this demand as irrelevant, immaterial, oppressive, unduly burdensome, overbroad, and outside the proper scope of discovery in this proceeding. Sierra Club further objects because the demand seeks highly sensitive membership information spanning decades, invades privacy and confidentiality interests, and implicates protected associational rights. Sierra Club’s membership information has no bearing on the Hearing issues or the presentation and examination of Hearing evidence. The demand is not tailored to any adjudicable issue in this matter.

No documents will be produced in response to this demand.

Response to Demand No. 10

Demand: “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: This demand is directed to Adirondack Council only and does not call for a response from Sierra Club.

Dated: April 29, 2026

Respectfully Submitted,

By: 

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TO:
Applicants
Service List