

**KESSLER BRIEF EXHIBIT 11 - Jerry Lein Deposition Excerpts**

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6 Q. Mr. Lein, do you have any recollection on  
7 the day of the hearing of observing Mr. or  
8 Mrs. Kessler speaking with anyone before the  
9 hearing, during a break or after the hearing was  
10 over?

11 A. Not specifically. Everybody was talking  
12 to everybody.

13 Q. Do you recall hearing from anyone else  
14 prior to when this complaint was filed that Mr. or  
15 Mrs. Kessler had an exchange with any  
16 representative of the project that day before the  
17 hearing, during a break in the hearing or after the  
18 hearing was over?

19 A. I remember a discussion that Minnesota  
20 Power -- somebody from Minnesota Power, I don't  
21 know who, but had wanted to talk with the Kesslers,  
22 and they were supposed to get together during a  
23 break or something or somewhere at some point  
24 and -- and have a discussion off the record.

25 Q. And, Mr. Lein, are you -- there are you

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1 describing an instruction or communication that was  
2 on the record that the Kesslers and the project  
3 should have a discussion?

4 A. I don't think it was on the record. I  
5 think they just said -- they just said, "Let's have  
6 this discussion," and I don't think the court  
7 reporter was taking down what they said when they  
8 said that.

9 Q. Do you recall where people were when  
10 that -- when that conversation you just referenced  
11 was had?

12 A. No. Generally just in the room. It was  
13 one big room and everybody was everywhere in there.

14 Q. Do you recall who from Minnesota Power it  
15 was that asked to speak with the Kesslers?

16 A. No.

17 Q. And was it a -- was it a representative of  
18 Minnesota Power that you observed directly asking  
19 the Kesslers for a conversation?

20 A. I think so.

21 Q. Do you remember anything else about  
22 that -- viewing that exchange, Mr. Lein?

23 A. No.

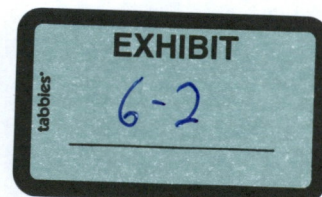
24 Q. Do you know whether Minnesota Power and  
25 the Kesslers did, in fact, talk on a break or after

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1 the hearing that day?

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Exhibit 6.2 - Jerry Lien deposition excerpts

Keith and Deanna Kessler



**2 A.** I believe they did. I don't remember  
**3** specifically, but, yeah, I believe they did.  
**4 Q.** And what is it that causes you to have a  
**5** belief that they did?  
**6 A.** Somehow or other in my memory, it's -- I  
**7** feel like I can recall them going and talking.  
**8 Q.** But you're not sure who it was or -- or  
**9** where they went to talk or what they talked about;  
**10** is that right?  
**11 A.** That's right.

...

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**12 Q.** Okay. Let me review what you said earlier  
**13** so I can go into that. I remember a discussion  
**14** that someone from Minnesota Power wanted to talk to  
**15** the Kesslers. They wanted to get together at some  
**16** point and have a discussion off the record.  
**17** Do you recall stating that earlier today?  
**18 A.** Yes.  
**19 Q.** Okay. So now that's what I'm focused on,  
**20** is you recall the Kesslers talking to somebody from  
**21** Minnesota Power during apparently -- was it during  
**22** the break?  
**23 A.** I don't remember when or where, but it  
**24** was -- they wanted to -- they wanted to talk to him  
**25** about what he was bringing up in his testimony.

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**1 Q.** Okay. And they said -- according to what  
**2** you just described a while ago, they said that --  
**3** that they would want to talk to them later about  
**4** that off the record; correct?  
**5 A.** I don't know if it was later or if we had  
**6** a break or what, but in my mind, it was an attempt  
**7** from Minnesota Power to resolve any problems that  
**8** he had rather than him bringing them up on the  
**9** stand.  
**10 Q.** And then what did you observe next? Did  
**11** anybody -- did Mr. Kessler or the person from  
**12** Minnesota Power that was talking to him, did they  
**13** leave the area? Did they stay there? What did you  
**14** observe?  
**15 A.** I don't remember. All I remember is that  
**16** they wanted to talk to them and I believe they did.  
**17 Q.** Thus when you previously testified today  
**18** that Minnesota Power was asking for a conversation  
**19** and then you said -- when asked, "Did they have a  
**20** conversation," you said, "I believe so." So that  
**21** was the prior testimony today and that's still  
**22** correct; right?  
**23 A.** Yes.