

JUN 7 2022

BEFORE THE WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD RECEIVED
Surface Mine Board

**DD OIL COMPANY,
a West Virginia Corporation,**

Appellant,

Appeal No.: 22-01-EQB

v.

**STATE OF WEST VIRGINIA, EX REL.,
HAROLD D. WARD, Cabinet Secretary,
West Virginia Department of
Environmental Protection,**

Appellee.

**APPELLANT'S RESPONSE TO APPELLEE'S MOTION
TO QUASH SUBPOENA OF HAROLD WARD**

COMES NOW, Appellant, DD Oil Company, by counsel, J. Morgan Leach, Esq., Ryan J. Umina, Esq., and Beth L. Umina, Esq., and hereby objects to the Appellee's Motion to Quash Subpoena of Cabinet Secretary Harold D. Ward and in support thereof, states as follows:

Appellant believes that Secretary Ward was aware of and involved in the decision to preemptively find ways to invalidate DD Oil's permits in an attempt to obtain additional permit fees to prevent layoffs in their agency as alleged in Paragraph 29 in the Appeal from Order and Annulment Review, which is hereby incorporated by reference. Such conduct would expose ulterior motives to issue Notice of Violations by top officials in the WVDEP and prove that the issuance of the same was not based on DD Oil's conduct but on the agency's desire to collect permit fees to prevent layoffs. Appellant contention that Secretary Ward was involved in such activities is therefore highly relevant to its appeal. Granting the motion to quash the subpoena for Secretary Ward will prejudice the Appellant's case and prevent the discovery of otherwise

admissible evidence. Moreover, Appellant's motion to quash was not timely and should therefore be denied on those grounds.

WHEREFORE, Appellant respectfully requests that Appellee's motion be denied, Secretary Ward be commanded to comply with the subpoena, as well as such other relief the Board deems proper.

Respectfully submitted,
Appellant by Counsel

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CERTIFICATE OF SERVICE

I, J. Morgan Leach, hereby certify that I have served a true and correct copy of the forgoing **APPELLANT'S RESPONSE TO APPELLEE'S MOTION TO QUASH SUBPOENA OF HAROLD WARD** by email and USPS First Class mail upon the following this 3rd day of June, 2022.

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**/s/ J. Morgan Leach
J. MORGAN LEACH, ESQ.**