

2017-2018  
Wisconsin High School  
Mock Trial Tournament  
Case Materials

**Dig Deep Iron Mining Company, Inc.  
v. Jessie/Jesse Green**

Plaintiff Witnesses:

Perry Blart

Ellis Gran

Karl/Karla Campbell

Defense Witnesses:

Jessie/Jesse Green

Bobby Markings

Charlie Baker

## **Stipulations for Trial**

1. All of the exhibits are authentic and the authenticity of an exhibit is never at issue. Authentic exhibits are not necessarily admissible at trial.
2. All witness affidavits have been properly signed and notarized. A copy of any affidavit which does not bear a signature or is not notarized is to be treated as though it is signed and notarized. This stipulation does not apply to exhibits. Names of the notary publics are not relevant to the presentation of the case.
3. Each witness affidavit/report is intended to be gender-neutral and should be interpreted as such.
4. Each witness has reviewed his or her affidavit the morning of trial, attested that it was true and accurate, and attested that there was nothing that he or she had forgotten or wanted to add.
5. This case is bifurcated as to liability and damages. Liability is being tried in this case; if Dig Deep is successful, damages will be tried on a later date.
6. The Plaintiff in this case filed a pretrial motion in order to unseal Defendant Jesse/Jessie Green's juvenile adjudication record, in order to determine whether Green had any juvenile dispositions on their record. That motion was denied. Green's juvenile record, if any, remains sealed.
7. All witness affidavits use "they" as a singular pronoun, in order to be gender neutral. The Writers Committee made this switch in recognition of the acceptance in modern grammar of "they" as a singular pronoun, and additionally to make it easier on witnesses and attorneys in referring to the changing genders of witnesses on the opposite side of the case. Both the Chicago Manual of Style and the Associated Press Stylebook now recognize "they" as an acceptable singular gender-neutral pronoun. Attorneys may bring this stipulation to the attention of judges in pretrial matters if their teams wish to use "they" as a singular pronoun, and judges are instructed not to downgrade scores due to the use of "they" as a singular, gender-neutral pronoun.
8. The ordinary burden of proof is being used in this case. Under Wis. Stat. §895.446(2), the ordinary burden of proof applies to civil liability for criminal damage to property. The Defendant argued to apply the middle burden of proof to the trespass and conversion claims, however the court decided to apply the ordinary burden of proof to all claims.

9. The land located at 123 Getiron Road, Clearwater, Wisconsin, was owned in June of 2017 by the Plaintiff. The mobile mining crusher referred to throughout the documents in this matter was owned by the Plaintiff in June of 2017. No employee or agent of Dig Deep gave express consent for Jesse/Jessie Green to enter the premises on June 20, 2017, nor did any employee or agent of Dig Deep give express consent to the Defendant to damage the mobile mining crusher on June 20, 2017.
  
10. The Plaintiff shall have the ability to elect not to proceed on either the Damage to Property Claim or the Conversion Claim. The Plaintiff must proceed on one or both the Damage to Property Claim or the Conversion Claim (cannot proceed only on the Trespass to Land Claim). Regardless of the election on the Damage to Property and/or Conversion Claims, the Plaintiff shall proceed on the Trespass to Land Claim. This election must be made prior to the start of the trial, and should the Plaintiff choose not to proceed on either the Damage to Property Claim or the Conversion Claim, it is the responsibility of the Plaintiff to inform the presiding judge and direct the Court's attention to this stipulation. Judges are hereby notified that a Plaintiff's decision not to proceed on one of the claims is a strategic decision made after taking into consideration available evidence and time limits, and the decision itself shall not impact scoring.

#### **Disclaimer**

The 2017-2018 mock trial case is a hypothetical case. All names used in the mock trial case are fictitious and were created to be gender-neutral. Any similarity to an actual event or to the name of an actual person is strictly coincidental.

#### **Exhibits**

Please note that exhibits, including affidavits, are pre-marked. The pre-marking of exhibits is solely a convenience. It is not intended to suggest the order in which exhibits should be used nor is it intended to suggest anything about their admissibility. In addition, the pre-marking of exhibits is not intended to suggest that all exhibits must or should be used.

DIG DEEP IRON MINING COMPANY, INC.  
123 Getiron Road  
Clearwater, Wisconsin 53594

Case No. 2017-cv-5678

Plaintiff,

v.

JESSE/JESSIE GREEN  
9876 N. Protest Street  
Clearwater, Wisconsin, 53594

Defendant.

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## **JURY INSTRUCTIONS**

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### **BURDEN OF PROOF: ORDINARY**

Certain questions in the verdict ask that you answer the questions “yes” or “no”. The party who wants you to answer the questions “yes” has the burden of proof as to those questions. This burden is to satisfy you by the greater weight of the credible evidence, to a reasonable certainty, that “yes” should be your answer to the verdict questions.

The greater weight of the credible evidence means that the evidence in favor of a “yes” answer has more convincing power than the evidence opposed to it. Credible evidence means evidence you believe in light of reason and common sense.

“Reasonable certainty” means that you are persuaded based upon a rational consideration of the evidence. Absolute certainty is not required, but a guess is not enough to meet the burden of proof.

### **DAMAGE TO PROPERTY**

Damage to property, as defined in §943.01 of the Wisconsin Statutes and applied to civil cases in §895.446 of the Wisconsin Statutes, is committed by one who intentionally causes damage to the physical property of another person without the consent of that person.

Before you may find the Defendant liable for damage to property, the Plaintiff must prove the following five elements were present: (1) The defendant caused damage to physical property. The word “damage” includes anything from mere defacement to total destruction. (2) The defendant intentionally caused the damage. The term “intentionally” means that the defendant must have had the mental purpose to damage the property or was aware that the conduct was practically certain to cause that result. (3) The property belonged to another person. (4) The defendant caused the damage without the consent of the Plaintiff. (5) The defendant knew the property belonged to another person and knew that the other person did not consent to the damage.

You cannot look into a person’s mind to find intent or knowledge. Intent and knowledge must be found, if found at all, from the defendant’s acts, words, and statements, if any, and from all the facts and circumstances in this case bearing upon intent and knowledge.

If you are satisfied by the greater weight of the credible evidence, to a reasonable certainty, that all five elements have been proved, you should find the Defendant liable. If you are not so satisfied, you must find the Defendant not liable.

## **TRESPASS TO LAND**

Civil trespass to land is committed by one who intentionally enters the property of another without the express or implied consent of the owner or some person lawfully upon the premises.

Before you may find the Defendant liable for this offense, the Plaintiff must prove that the following three elements were present: (1) the Defendant intentionally entered the land of another, (2) the Defendant entered without the express or implied consent of someone lawfully upon the premises, (3) the Defendant knew that the entry onto the premises was made without consent and knew that the land belonged to another.

In determining whether a person has implied consent to enter the land of another, you must consider all of the circumstances existing at the time the person entered the land, including all of the following: (a) whether the owner or occupant acquiesced to previous entries by the person or by other persons under similar circumstances, (b) the customary use, if any, of the land by other persons, (c) whether the owner or occupant represented to the public that the land may be entered for particular purposes, and (d) the general arrangement or design of any improvements or structures on the land.

You cannot look into a person’s mind to find intent or knowledge. Intent and knowledge must be found, if found at all, from the Defendant’s acts, words, statements, if any, and from all the facts and circumstances in this case bearing upon intent and knowledge.

If you are satisfied beyond a reasonable doubt that all four elements of this offense have been proved, you should find the Defendant liable. If you are not so satisfied, you must find the Defendant not liable.

### **CONVERSION: DESTRUCTION OR ABUSE OF PROPERTY**

A conversion is committed by a person who without consent of the owner seriously interferes with the right of the owner of property to control his or her property permanently or for an indefinite period of time. Before you may find that the Defendant committed a conversion of the property belonging to the Plaintiff, you must find the following:

- (1) That the Defendant intentionally destroyed, abused, or materially altered property belonging to the Plaintiff to such an extent as to change its identity or character;
- (2) That the Defendant destroyed, abused, or materially altered the property without the consent of the Plaintiff; and
- (3) That the destruction, abuse or material alteration of the property seriously interfered with the right of the Plaintiff to control and use the property.

Wrongful or unlawful intent is not an element of conversion. Thus, it is not necessary that the Defendant knew that the Plaintiff was entitled to possession of the property or that the Defendant intended to interfere with the Plaintiff's possession of the property. It is simply enough that the Defendant intended to deal with the property in a way that would seriously interfere with the Plaintiff's possession of the property. Thus, a person may be liable for conversion by exercising control over property even though the person may be unaware of the rights with which the person interferes.

An act which is not intended to exercise any control over property but is merely negligent with respect to it is not a conversion, even though it may result in the loss of the property.

DIG DEEP IRON MINING COMPANY, INC.,  
123 Getiron Road  
Clearwater, Wisconsin 53594

Plaintiff,

Case No. 2017-CV-5678

v.

JESSE/JESSIE GREEN  
9876 N. Protest Street  
Clearwater, Wisconsin

Defendant.

**SPECIAL VERDICT**

**On the questions submitted herein, we, the Jury, duly impaneled and sworn, find as follows:**

**As to the First Cause of Action -- DAMAGE TO PROPERTY**

**QUESTION NO. 1:** Did the Defendant cause damage to physical property?

ANSWER: \_\_\_\_\_  
(Yes or No)

If you answered “no” to Question No. 1, STOP, you are finished with the questions related to “DAMAGE TO PROPERTY,” and you should move on to questions under the heading “TRESPASS TO LAND.” If you answered “Yes” to Question No. 1, answer the following question:

**QUESTION NO. 2:** Did the Defendant intentionally cause the damage to property?

ANSWER: \_\_\_\_\_  
(Yes or No)

If you answered “no” to Question No. 2, STOP, you are finished with the questions related to “DAMAGE TO PROPERTY,” and you should move on to questions under the heading “TRESPASS TO LAND.” If you answered “Yes” to Question No. 2, answer the following question:

**QUESTION NO. 3:** Did the damaged property belong to the Plaintiff?

ANSWER: \_\_\_\_\_  
(Yes or No)

If you answered “no” to Question No. 3, STOP, you are finished with the questions related to “DAMAGE TO PROPERTY,” and you should move on to questions under the heading “TRESPASS TO LAND.” If you answered “Yes” to Question No. 3, answer the following question:

**QUESTION NO. 4:** Did the Defendant cause the damage to property without the Plaintiff’s consent?

ANSWER: \_\_\_\_\_  
(Yes or No)

If you answered “no” to Question No. 4, STOP, you are finished with the questions related to “DAMAGE TO PROPERTY,” and you should move on to questions under the heading “TRESPASS TO LAND.” If you answered “Yes” to Question No. 4, answer the following question:

**QUESTION NO. 5:** Did the Defendant know the property belonged to the Plaintiff, and that the Plaintiff did not consent to the damage?

ANSWER: \_\_\_\_\_  
(Yes or No)

Regardless of how you answered the preceding questions, answer the following questions related to “TRESPASS TO LAND” and “CONVERSION: DESTRUCTION OR ABUSE OF PROPERTY.”

**As to the Second Cause of Action -- TRESPASS TO LAND**

**QUESTION NO. 1:** Did the Defendant intentionally enter on to the property owned by the Plaintiff?

ANSWER: \_\_\_\_\_  
(Yes or No)

If you answered “no” to Question No. 1, STOP, you are finished with the questions related to “TRESPASS TO LAND,” and you should move on to questions under the heading “CONVERSION: DESTRUCTION OR ABUSE OF PROPERTY.” If you answered “Yes” to Question No. 1, answer the following question:

**QUESTION NO. 2:** Did the Defendant enter onto the property owned by the Plaintiff without the express or implied consent of someone lawfully on the property?

ANSWER: \_\_\_\_\_  
(Yes or No)

If you answered “no” to Question No. 2, STOP, you are finished with the questions related to “TRESPASS TO LAND,” and you should move on to questions under the heading “CONVERSION: DESTRUCTION OR ABUSE OF PROPERTY.” If you answered “Yes” to Question No. 2, answer the following question:

**QUESTION NO. 3:** Did the Defendant know that the land belonged to another and that entry was made without consent?

ANSWER: \_\_\_\_\_  
(Yes or No)

Regardless of how you answered the preceding questions, answer the following questions related to "CONVERSION: DESTRUCTION OR ABUSE OF PROPERTY."

**As to the Third Cause of Action -- CONVERSION: DESTRUCTION OR ABUSE OF PROPERTY**

**QUESTION NO. 1:** Did the Defendant intentionally destroy, abuse, or materially alter the property belonging to the Plaintiff to such an extent as to change its identity or character?

ANSWER: \_\_\_\_\_  
(Yes or No)

If you answered "no" to Question No. 1, STOP, you are finished. If you answered "Yes" to Question No. 1, answer the following question:

**QUESTION NO. 2:** Did the Defendant destroy, abuse, or materially alter the property owned by the Plaintiff, without consent of the Plaintiff?

ANSWER: \_\_\_\_\_  
(Yes or No)

If you answered "no" to Question No. 2, STOP, you are finished. If you answered "Yes" to Question No. 2, answer the following question:

**QUESTION NO. 3:** Did the destruction, abuse or material alternation of the property seriously interfere with the right of the Plaintiff to control and use the property?

ANSWER: \_\_\_\_\_  
(Yes or No)

Dated this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Foreperson

Dissenting Jurors:

\_\_\_\_\_ as to Question \_\_\_\_\_

\_\_\_\_\_ as to Question \_\_\_\_\_

DIG DEEP IRON MINING COMPANY, INC.,  
123 Getiron Road  
Clearwater, Wisconsin 53594

Plaintiff,

Case No. 2017-CV-5678

v.

JESSE/JESSIE GREEN  
9876 N. Protest Street  
Clearwater, Wisconsin

Defendant.

**SPECIAL VERDICT**

**On the questions submitted herein, we, the Jury, duly impaneled and sworn, find as follows:**

**As to the First Cause of Action -- DAMAGE TO PROPERTY**

**QUESTION NO. 1:** Did the Defendant cause damage to physical property?

ANSWER: \_\_\_\_\_  
(Yes or No)

If you answered “no” to Question No. 1, STOP, you are finished with the questions related to “DAMAGE TO PROPERTY,” and you should move on to questions under the heading “TRESPASS TO LAND.” If you answered “Yes” to Question No. 1, answer the following question:

**QUESTION NO. 2:** Did the Defendant intentionally cause the damage to property?

ANSWER: \_\_\_\_\_  
(Yes or No)

If you answered “no” to Question No. 2, STOP, you are finished with the questions related to “DAMAGE TO PROPERTY,” and you should move on to questions under the heading “TRESPASS TO LAND.” If you answered “Yes” to Question No. 2, answer the following question:

**QUESTION NO. 3:** Did the damaged property belong to the Plaintiff?

ANSWER: \_\_\_\_\_  
(Yes or No)

If you answered “no” to Question No. 3, STOP, you are finished with the questions related to “DAMAGE TO PROPERTY,” and you should move on to questions under the heading “TRESPASS TO LAND.” If you answered “Yes” to Question No. 3, answer the following question:

**QUESTION NO. 4:** Did the Defendant cause the damage to property without the Plaintiff’s consent?

ANSWER: \_\_\_\_\_  
(Yes or No)

If you answered “no” to Question No. 4, STOP, you are finished with the questions related to “DAMAGE TO PROPERTY,” and you should move on to questions under the heading “TRESPASS TO LAND.” If you answered “Yes” to Question No. 4, answer the following question:

**QUESTION NO. 5:** Did the Defendant know the property belonged to the Plaintiff, and that the Plaintiff did not consent to the damage?

ANSWER: \_\_\_\_\_  
(Yes or No)

Regardless of how you answered the preceding questions, answer the following questions related to “TRESPASS TO LAND.”

**As to the Second Cause of Action -- TRESPASS TO LAND**

**QUESTION NO. 1:** Did the Defendant intentionally enter on to the property owned by the Plaintiff?

ANSWER: \_\_\_\_\_  
(Yes or No)

If you answered “no” to Question No. 1, STOP, you are finished with the questions related to “TRESPASS TO LAND.” If you answered “Yes” to Question No. 1, answer the following question:

**QUESTION NO. 2:** Did the Defendant enter onto the property owned by the Plaintiff without the express or implied consent of someone lawfully on the property?

ANSWER: \_\_\_\_\_  
(Yes or No)

If you answered “no” to Question No. 2, STOP, you are finished with the questions related to “TRESPASS TO LAND.” If you answered “Yes” to Question No. 2, answer the following question:

**QUESTION NO. 3:** Did the Defendant know that the land belonged to another and that entry was made without consent?

ANSWER: \_\_\_\_\_  
(Yes or No)

Dated this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Foreperson

Dissenting Jurors:

\_\_\_\_\_ as to Question \_\_\_\_\_

\_\_\_\_\_ as to Question \_\_\_\_\_

DIG DEEP IRON MINING COMPANY, INC.,  
123 Getiron Road  
Clearwater, Wisconsin 53594

Plaintiff,

Case No. 2017-CV-5678

v.

JESSE/JESSIE GREEN  
9876 N. Protest Street  
Clearwater, Wisconsin

Defendant.

**SPECIAL VERDICT**

**On the questions submitted herein, we, the Jury, duly impaneled and sworn, find as follows:**

**As to the First Cause of Action -- TRESPASS TO LAND**

**QUESTION NO. 1:** Did the Defendant intentionally enter on to the property owned by the Plaintiff?

ANSWER: \_\_\_\_\_  
(Yes or No)

If you answered “no” to Question No. 1, STOP, you are finished with the questions related to “TRESPASS TO LAND,” and you should move on to questions under the heading “CONVERSION: DESTRUCTION OR ABUSE OF PROPERTY.” If you answered “Yes” to Question No. 1, answer the following question:

**QUESTION NO. 2:** Did the Defendant enter onto the property owned by the Plaintiff without the express or implied consent of someone lawfully on the property?

ANSWER: \_\_\_\_\_  
(Yes or No)

If you answered “no” to Question No. 2, STOP, you are finished with the questions related to “TRESPASS TO LAND,” and you should move on to questions under the heading “CONVERSION: DESTRUCTION OR ABUSE OF PROPERTY.” If you answered “Yes” to Question No. 2, answer the following question:

**QUESTION NO. 3:** Did the Defendant know that the land belonged to another and that entry was made without consent ?

ANSWER: \_\_\_\_\_  
(Yes or No)

Regardless of how you answered the preceding questions, answer the following questions related to “CONVERSION: DESTRUCTION OR ABUSE OF PROPERTY.”

**As to the Second Cause of Action -- CONVERSION: DESTRUCTION OR ABUSE OF PROPERTY**

**QUESTION NO. 1:** Did the Defendant intentionally destroy, abuse, or materially alter the property belonging to the Plaintiff to such an extent as to change its identity or character?

ANSWER: \_\_\_\_\_  
(Yes or No)

If you answered “no” to Question No. 1, STOP, you are finished. If you answered “Yes” to Question No. 1, answer the following question:

**QUESTION NO. 2:** Did the Defendant destroy, abuse, or materially alter the property owned by the Plaintiff, without consent of the Plaintiff?

ANSWER: \_\_\_\_\_  
(Yes or No)

If you answered “no” to Question No. 2, STOP, you are finished. If you answered “Yes” to Question No. 2, answer the following question:

**QUESTION NO. 3:** Did the destruction, abuse or material alternation of the property seriously interfere with the right of the Plaintiff to control and use the property?

ANSWER: \_\_\_\_\_  
(Yes or No)

Dated this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Foreperson

Dissenting Jurors:

\_\_\_\_\_ as to Question \_\_\_\_\_

\_\_\_\_\_ as to Question \_\_\_\_\_

DIG DEEP IRON MINING COMPANY, INC.  
123 Getiron Road  
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### COMPLAINT

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NOW COMES Plaintiff Dig Deep Iron Mining Company, Inc., as and for its Complaint against JESSE/JESSIE GREEN, alleges as follows:

1. Plaintiff Dig Deep Iron Mining Company, Inc. is a corporation licensed to do business in the State of Wisconsin and has a local address of 123 Getiron Road, Clearwater, Wisconsin 53594. Plaintiff Dig Deep Iron Mining Company, Inc.'s corporate headquarters are located in Clearwater, Florida.

2. Defendant JESSE/JESSIE GREEN (hereinafter "GREEN") is an adult resident of the State of Wisconsin, with a last known address of 9876 N. Protest Street, Clearwater, Wisconsin 53594.

3. Clearwater, Wisconsin has a rich history of mining, which dates back to the late 19<sup>th</sup> Century. Mining is engrained in the town's past, as evidenced by the several bars, restaurants, and hotels with "Iron" in the title (e.g. "Old Iron Grill," "Iron Hill Hotel," and "Iron

Roost Brewery,” and even the nearby aptly named “Iron County.”). Mining has existed in Clearwater, Wisconsin for over 100 years with no known environmental side effects.

4. Plaintiff Dig Deep Iron Mining Company, Inc. is the nation’s largest producer of iron ore. Iron ore is mined by obtaining large pieces of taconite from the ground (typically through blasting). The taconite pieces are then placed in dump trucks and brought to a location where they are crushed into small pieces. The iron ore is then separated from the taconite waste material, compiled into usable material, and shipped to steel mills. Iron ore mined by Dig Deep Iron Mining Company, Inc., is primarily used to manufacture steel, which is used to make thousands upon thousands of items, including building supplies (reinforcing concrete), automobiles, bridges, locomotives, ships, bicycles, tools, pipes, nuts and bolts, office supplies, just to name a few. Steel accounts for the great majority of metals used worldwide.

5. Plaintiff Dig Deep Iron Mining Company, Inc. is in development stages for the creation of a large open pit iron ore mine in Clearwater, Wisconsin. Plaintiff purchased land at 123 Getiron Road, Clearwater, Wisconsin, and has been seeking approval to move forward with the open pit iron mine. It is estimated that the proposed mine will create hundreds of direct iron mining jobs (in excess of 500), in addition to the thousands of indirect job creation when the addition of the mine boosts the economy in Clearwater, Wisconsin.

6. Plaintiff Dig Deep Iron Mining Company, Inc. has gone through all of the proper channels in order to seek approval for the mine, and was approved by the State of Wisconsin on May 1, 2017 to move forward with sampling iron ore on site at its Wisconsin location of 123 Getiron Road, Clearwater, Wisconsin 53594. Sampling did begin on the site on June 1, 2017.

7. The Plaintiff did also move several pieces of equipment to the property on May 15, 2017. Among other pieces of machinery, this included a dump truck, many pieces of an in-

pit crushing and conveying system, and a large capacity mobile mining crusher. The Plaintiff had been using the mobile mining crusher for sampling to crush the taconite into smaller pieces right on site. Once mining begins in full capacity, the Plaintiff will likely build a facility on site in which the taconite is crushed, but for the smaller sampling operation the mobile mining crusher was more fitting for the amount of crushing being conducted.

8. The location of the future mine sits just outside of the Penokee Hills. The proposal of the mine has created some opposition from environmentalists who have not taken the time to adequately research the impact (or lack thereof) of iron ore open pit mining on local communities.

9. The opposition to the mine has begun protesting near the site of the future mine, including near where the sampling is taking place. A camp has been created by the protestors near the location of the sampling, which has introduced nearly around-the-clock protestors.

10. In order to protect the equipment and the land, Plaintiff Dig Deep Iron Mining Company, Inc. hired a private security firm, BIG GUNS, Inc., to patrol the land and provide security to the property owned by Dig Deep Iron Mining Company, Inc. and the equipment on the land, which is also owned by Plaintiff.

11. Signs marking the land as “Private” and “No Trespassing” exist throughout Plaintiff’s property.

12. While the hiring of BIG GUNS, Inc. introduced some additional opposition to the proposed mine, Plaintiff Dig Deep Iron Mining Company, Inc. felt that the hiring of BIG GUNS, Inc. was necessary in order to prevent damage to the land, sampling, and machinery on the property.

13. On or about June 20, 2017, at approximately 2:50 am, an employee of BIG GUNS, Inc., noticed an unauthorized individual, later identified as GREEN, on the property at 123 Getiron Road, Clearwater, Wisconsin 53594. GREEN appeared to have been spraying graffiti on a mobile mining crusher. Upon seeing the BIG GUNS, Inc. employee, GREEN ran from the property.

14. The next day, Plaintiff Dig Deep Iron Mining Company, Inc. sent a mechanic to the property to investigate the damage. At that time, it was discovered that not only had GREEN sprayed the words “We Are Water” onto the machinery but more importantly GREEN had vandalized the mobile mining crusher to the point where it was inoperable. Plaintiff Dig Deep Iron Mining Company, Inc. was forced to replace the entire hydraulic system of the mobile mining crusher, a customized machine.

#### **COUNT I – INTENTIONAL TRESPASS**

15. Plaintiff Dig Deep Iron Mining Company, Inc. realleges and incorporates by reference each and every one of the foregoing allegations as if stated herein.

16. On or about June 20, 2017, GREEN intentionally entered land in the possession of Plaintiff Dig Deep Iron Mining Company, Inc.

17. The mere intrusion of GREEN onto Plaintiff Dig Deep Iron Mining Company, Inc.’s land caused an intrusion into Plaintiff Dig Deep Iron Mining Company, Inc.’s property rights and as such, Plaintiff is entitled to damages for the intrusion.

#### **COUNT II – CIVIL LIABILITY FOR INTENTIONAL DAMAGE TO PROPERTY**

18. Plaintiff Dig Deep Iron Mining Company, Inc. realleges and incorporates by reference each and every one of the foregoing allegations as if stated herein.

19. On or about June 20, 2017, GREEN intentionally caused damage to property owned by Plaintiff Dig Deep Iron Mining Company, Inc., without the consent of the Plaintiff or any other lawful owner of the property, contrary to Wis. Stat. §943.01, thereby providing the Plaintiff with a statutory cause of action under Wis. Stat. §895.446.

20. GREEN'S actions caused the Plaintiff damages.

**COUNT III – CONVERSION: DESTRUCTION OR ABUSE OF PROPERTY**

21. Plaintiff Dig Deep Iron Mining Company, Inc. realleges and incorporates by reference each and every one of the foregoing allegations as if stated herein.

22. On or about June 20, 2017, GREEN intentionally abused or materially altered property belonging to Plaintiff Dig Deep Iron Mining Company, Inc., to such an extent as to change its identity or character, without the consent of the owner, and the abuse or material alteration of the property seriously interfered with the right of Plaintiff Dig Deep Iron Mining Company, Inc., to control and use the property.

WHEREFORE, Plaintiff Dig Deep Iron Mining Company, Inc. respectfully requests this Court enter judgment against GREEN:

- a) For damages to be determined at trial;
- b) For all court costs, pre- and post-judgment interest and fees, including attorneys' fees as permitted by law; and
- c) For such other relief as this Court deems just and proper or to which Plaintiff Dig Deep Iron Mining Company, Inc. is otherwise legally or equitably entitled.

Dated this 4<sup>th</sup> day of October, 2017.

By: /s/ Anna Terney  
Attorneys for Plaintiff Dig Deep Iron Mining  
Company, Inc.

**AFFIDAVIT OF PERRY L. BLART**

Perry L. Blart, being first duly sworn upon oath, states as follows:

- 1       1.    My name is Perry L. Blart. I am 23 years old and a licensed private security person  
2           employed by Big Guns, Inc. I have been employed by Big Guns, Inc. since June 10,  
3           2017, but was part of the Clearwater Police Explorers program from the time I was 14  
4           until I was 20 and no longer eligible to participate in the program.
  
- 5       2.    I first became involved with the police explorers program because I wanted to learn  
6           about crime scene investigation and detective work, but I was mostly involved in traffic  
7           stops and helping out with parades and didn't get to do much of the fun stuff like  
8           responding to burglaries or clearing houses. My ultimate goal was to become a member of  
9           the Clearwater Police Department.
  
- 10      3.    I graduated from Clearwater University with a Bachelor's Degree in Criminal Justice in  
11           May 2016 and immediately applied to the Clearwater Police Academy. I completed the  
12           written exam and the physical agility assessment – both of which I aced, thanks to my  
13           extensive preparation. I was scheduled for an interview because of my exam scores, but  
14           then there was some issue with my background investigation and Personal History  
15           Statement. Apparently when they ask about any citations or convictions, they expect you  
16           to disclose tickets you got in college for silly things like disturbing the peace that you got  
17           when living in the dorms. (A monopoly game got out of control. Some people are sore  
18           losers.)
  
- 19      4.    I began to look into other job options at that point since my hours at the comic book  
20           store and the arcade had both been cut. I was pretty bummed about not getting into the  
21           Clearwater Police Academy, but then I found out that Big Guns, Inc. was looking to hire  
22           local people from Clearwater. Big Guns, Inc. is a serious private security firm. The job  
23           required me to carry a firearm, but this was not a problem because they offered me the  
24           required firearm safety training.
  
- 25      5.    As part of my application to Big Guns, Inc., they helped me to apply for my private  
26           security permit through the State of Wisconsin. This included obtaining my certificate of  
27           proficiency for the care, handling, and use of a firearm. It took a little while to get all of  
28           the paperwork in order, so I was not officially hired until June 10, 2017.
  
- 29      6.    I was specifically hired to provide security services for a mining site located at 123  
30           Getiron Road in Clearwater, which was owned by Dig Deep Iron Mining Company.  
31           When I was hired, I was told that Big Guns, Inc. had been contracted to provide private  
32           security services at the site because Dig Deep had several pieces of expensive mining  
33           equipment on the property. There were also large groups of rabble rousers that had setup  
34           camp near the site of the future mine to protest the mining company's activities there.

- 35 7. Being the newest hire, I was put on third shift, working 11:00 p.m. to 7:00 a.m. I didn't  
36 mind though, since this is the time of night when the most vigilance is required to keep  
37 the peace, and I knew I was up to the challenge.
- 38 8. On the evening of Monday, June 19, 2017, I was on duty patrolling the property with  
39 Charlie Baker. We were both in our Big Guns, Inc. security uniforms, carrying our  
40 private security permit. I also had my firearms permit and my service weapon with me. I  
41 am not sure why Charlie Baker wasn't also carrying their service weapon. I'm almost  
42 100% sure that when I applied for my job it was a requirement that all security personnel  
43 be able and willing to carry a service weapon. We also had our name tags on our  
44 uniforms, which we are required to keep visible at all times during our shift. We were also  
45 carrying our required Big Guns, Inc. photo IDs. I know all this about my partner because  
46 we are required to verify and sign off that we are properly outfitted and equipped prior  
47 to heading out on patrol. Some people don't pay as close attention to this stuff, but I had  
48 only been working with Charlie Baker for a few shifts at that point, and I wanted to  
49 make sure they were following the rules and wouldn't get me in any trouble.
- 50 9. At approximately 2:50 a.m., while on our ordinary patrol route through the property, I  
51 saw movement near a mobile mining crusher. I gestured towards my partner and alerted  
52 them to what I had just seen. We were both on our Segways, but given the terrain in the  
53 area, we had to dismount and walk. Admittedly, at this point, between getting off the  
54 Segway without making too much noise and trying to keep an eye on the individual, I  
55 wasn't keeping a close eye on what my partner was doing. I assumed they would follow  
56 my lead as I tried to get closer for a more complete visual of the individual. As I  
57 approached, I observed the individual facing the crusher, holding an aerosol can aimed  
58 towards the side of the crusher. I raised my flashlight with the intention of identifying  
59 the person and, at the same time, verbally alerted them to stop by shouting, "freeze!"  
60 However, the sound of my approach must have alerted the perp to my presence. Before I  
61 could reach them or get enough light to make out distinct features, the perp turned his or  
62 her back to me and fled in the opposite direction. I was not able to ascertain the person's  
63 gender at that time.
- 64 10. I attempted to run and catch up with the suspect, but the terrain in the area between us  
65 was difficult to cross and the vandal had the advantage of being about 50 yards ahead of  
66 me. I did note that the suspect ran in the direction of camp that had been set up near the  
67 location of the iron ore sampling. They did turn their head about halfway around to look  
68 over their shoulder two or three times in my direction as they ran away, but they were  
69 fast and I couldn't gain much ground.
- 70 11. When I realized I could not catch the suspect on foot, I returned to the area of the  
71 crusher to determine what, if any, damage had been done. That was when I noted a large,  
72 scrawling graffiti design containing the phrase "WE ARE WATER." Interestingly, I  
73 noted at that time that Charlie Baker was still a long way back, closer to where we had left  
74 our Segways. I am not sure if they froze or panicked or just gave up before they even  
75 started, but I was pretty disappointed I hadn't gotten better backup from my partner. I

76 guess some people just aren't cut out for this kind of work.

77 12. I noted that the suspect appeared to be in their late teens to early twenties, with a  
78 medium build. I made note that the suspect was wearing a dark hooded sweatshirt with  
79 the hood up. The back of their sweatshirt had a large design on it that I originally  
80 thought was a football team logo, but I realize now was a peace sign – looking back, that  
81 makes a lot more sense.

82 13. Per my training and the Big Guns, Inc. protocol, I completed an Incident Report. I  
83 supplemented that Incident Report after speaking with Charlie Baker when I was able to  
84 positively identify the vandal as Jesse Green. While I initially thought that I had not seen  
85 enough of the person's face to describe their features, the photos Ellis Gran showed me  
86 really clarified my observations. I am 99% sure that the individual I saw near the mobile  
87 crushing machine with the aerosol can was Jesse Green. It's amazing the kind of mental  
88 impressions you can make in the heat of the moment with well-honed observational  
89 skills and natural investigative instincts even when you don't realize it's happening.

FURTHER AFFIANT SAYETH NOT

By: /s/ Perry L. Blart  
PERRY L. BLART

Subscribed and sworn to before  
me this 1<sup>st</sup> day of August, 2017.

/s/ Kristin Renee Pierre  
Notary Public, Clearwater County,  
WI My Commission is permanent.

**AFFIDAVIT OF ELLIS GRAN**

Ellis Gran, being first duly sworn upon oath, states as follows:

- 1        1.    I'm an adult resident of the State of Wisconsin. I make this affidavit based on  
2            personal knowledge and my review of documents and things that I created myself, by  
3            accessing publicly available government records, and from other sources.
  
- 4        2.    I am the sole owner of the business: *Not your GRAN-mother's PI*, LLC. I have owned  
5            this business for 23 years, but have operated it for 29 years—ever since I was 11 years  
6            old and I helped my youngest brother figure out which one of our older brothers had  
7            been stealing dimes and quarters from his piggy bank.
  
- 8        3.    My career flourished, and throughout middle school and high school, I solved 78  
9            mysteries, mostly involving petty theft and property damage. Unfortunately, I didn't  
10           know the laws very well, and when I was 17 I was caught breaking and entering and  
11           trespassing, and was convicted of stalking, criminal trespass, and disorderly conduct.  
12           I was tried as an adult, convicted, served probation, and ultimately my convictions  
13           were expunged. Now, I have no criminal record.
  
- 14       4.    I have never and will never do anything illegal or potentially illegal again, because I  
15           don't want the evidence I obtain to be tainted in any way, and I don't want to harm  
16           my credibility.
  
- 17       5.    I work mostly for defense attorneys investigating cases, but I also have corporate  
18           clients, like Dig Deep. I do not take on any clients who want to spy on their spouses.  
19           No way. I don't want to be accused of stalking again.
  
- 20       6.    Dig Deep hired me because I worked a lot with a criminal defense attorney who had  
21           represented one of our state legislator's kids when her college roommate accused her of  
22           selling drugs out of their dorm room. I dug way deep and found out that the roommate  
23           actually had her own business that she ran out of the dorm room—ghost-writing term  
24           papers for other students, for a hefty fee (\$50 upfront, with an additional \$100 for every  
25           A, \$80 for a B, and so on). The roommate thought the drug selling business was turning  
26           away the term-paper clients. Let's just say that the accusing roommate recanted her  
27           story, so the charges were dropped. The legislator was impressed, and I'm told that's  
28           where the referral for Dig Deep came from.
  
- 29       7.    Dig Deep hired me to investigate a vandalism incident that occurred at the Clearwater  
30           iron ore mining pit. I was hired on June 20, 2017, in the late afternoon or early evening.  
31           I was told that in the early morning hours of June 20, 2017, a piece of equipment had  
32           had "WE ARE WATER" spray painted on it (and I was shown a picture of the graffiti)  
33           with some kind of spray paint that actually wound up wiping off of the machine. I was  
34           also told that the hydraulic system of the equipment had been destroyed by someone  
35           with a working mechanical knowledge pouring sugar into the hydraulic oil.

- 36 8. I immediately changed into a Grateful Dead tee-shirt, tied a bandana around my  
37 head, and set off for the Penokee Hills, the campsite of “peaceful” protesters. I  
38 meandered through the camp acting tired and lazy, observing everything around me:  
39 inspecting the grounds, peering into open tents, looking in garbage cans. Then I saw  
40 it – just under some rubble in a stinky, smelly, disgusting garbage can was a stick  
41 with blue spray paint. I was going to reach into the garbage can and see whether the  
42 spray paint wiped clean from the stick, like the spray paint on the machinery.  
43 However, at that point, I looked up from the garbage can and saw a tent with a young  
44 person, mid-twenties and un-showered, milling about. I casually walked up.
- 45 9. “Hi dude,” the person said. “Hi there,” I said. I chit-chatted with the person, later  
46 identified as Jessie/Jesse Green, for a few minutes. I casually asked how the protest  
47 was going, and asked if Green heard about any vandalism. They said, “I just heard  
48 they had problems with the mobile crusher’s hydraulics.... Too bad so sad.”
- 49 10. Green told me about the different organizations that were opposing the mining. I  
50 said I wanted to get hooked up with them and asked Green to write me a list. Green  
51 went into the tent. I peeked inside and saw a duffle bag. It was faded blue, plain,  
52 and partially unzipped. I saw a spray paint can inside. Jessie came out and said  
53 they couldn’t find a pen.
- 54 11. I then asked Green whether I could have any sugar for my coffee. Green responded  
55 “Yeah, the campsite coffee is pretty bitter, isn’t it? I always keep some on hand.”  
56 They then went into the tent and I again looked inside and saw them going into a  
57 large plastic bin. I also saw Green picking up what appeared to be a large empty bag  
58 of sugar located inside the bin. I then backed away from the tent so Green wouldn’t  
59 see me looking in on them. Green came out with only about a quarter of a teaspoon  
60 of sugar, which I put into my coffee. I then commented that I usually like a lot of  
61 sugar in my coffee and asked whether they had any more. Green responded that  
62 they actually needed to restock, and suggested that I go to the neighboring tent to  
63 check there.
- 64 12. When I returned later that afternoon Green was not at the tent. I opened it and  
65 looked inside. The duffle bag and spray paint were nowhere in sight.
- 66 13. That night I did some preliminary digging into Green on my smartphone. I came  
67 upon an Instagram account belonging to Green, with the username of “kailanigreen.”  
68 While the account was private and I couldn’t see Green’s posts, Green’s profile  
69 picture is a picture of hands holding a sign that says “We Are Water.” Of note, this  
70 was the same phrase sprayed on the Dig Deep machinery. I took a screen shot of the  
71 account showing the username and profile picture, in order to preserve it.
- 72 14. As part of my investigation, I spoke separately with Perry Blart and Charlie  
73 Baker, as they were eyewitnesses to the graffiti incident. I showed both of them  
74 three pictures I had of Green. The first picture was Green’s student photograph  
75 from the University of Wisconsin – Clearwater. The second picture was one I had  
76 pulled from Green’s Facebook account. The third picture I showed to them was

77 more of a side-profile one I had slyly taken of Green on my smart phone when I  
78 was at the campsite. Initially, Blart thought that this was a line-up like the police  
79 do, where they show multiple suspects and the witness has to identify just one. I  
80 showed Blart all three photographs and upon seeing the third one, Blart stated,  
81 “Yes, this is the person.” I explained that all three were the same individual, and  
82 that this was the individual I suspected of damaging the equipment, and Blart then  
83 confirmed that this was the same individual Blart had observed at the site. Baker  
84 refused to identify Green as the suspect, and tried to tell me that Blart wouldn’t  
85 have been able to see the suspect, either. In my experience, though, it’s very  
86 normal that two eyewitnesses have different vantage points and perspectives. This  
87 did not impact my ultimate conclusions.

88 15. I learned that Green – who goes by Kailani – is a student at the University of  
89 Wisconsin – Clearwater, who is double-majoring in Wildlife Ecology and Fisheries  
90 & Water resources. I obtained Green’s college transcripts through a source whose  
91 name I cannot provide because that person works for the university and giving out  
92 someone’s academic record violates the Family Educational Rights and Privacy Act,  
93 (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99).

94 16. The transcript shows pass/fail courses in mechanical engineering, heavy  
95 equipment electronics and electrical systems, heavy engine rebuild, powertrain  
96 and hydraulics. Green took those courses in the summers during freshman and  
97 sophomore year.

98 17. Green’s parents own a machine repair shop in a town outside of Clearwater. They  
99 mostly handle small machinery and tinker in classic cars – VW busses is their  
100 specialty. Their website boasts that their mission is to reuse all materials and create  
101 as little waste in the world as possible. In fact, their storefront is filled with strange  
102 and beautiful artwork created from old machinery parts that are affixed to canvas  
103 and painted all different colors. One of my favorites from the website credits the  
104 author as Jesse/Jessie Green.

105 18. From court documents, I found out that Green’s parents purchased the land where  
106 they operate their business and have their home for a very inexpensive price, back  
107 in 1970. They purchased it through a quit claim deed, which means they were  
108 purchasing the property as-is. However, it was never disclosed to them that the  
109 land was the site of a former paint business—Bob’s Paint and Process. Around  
110 2005, Green’s parent’s neighbors sued them because volatile organic compounds  
111 were leaching from Green’s land. The Greens were responsible for a massive  
112 environmental clean-up. They remediated their property, but it so depleted them  
113 financially that in 2011, they filed for Bankruptcy.

114 19. In 2011, the new location of Bob’s Paint and Process was vandalized. The storefront  
115 was graffitied and the engine of one of the company trucks was completely  
116 removed. In its place, underneath the truck’s hood, was a wreath made out of  
117 shrubs, flowers, and pieces from the engine. The company apprehended someone,  
118 but that person was a juvenile, and all of the records are sealed.

- 119 20. I also checked up on Bobby R. Markings. Markings worked for the Clearwater  
120 Natural and Endangered Resources Department (C-NERD). I obtained a copy of  
121 Marking’s personnel file through a public records request. I obtained a document  
122 showing that Markings was disciplined in 2009 for calling in sick three days straight,  
123 when another employee happened to see Markings canoeing some river rapids on  
124 tributary of the Mississippi river, up around northern Wisconsin.
- 125 21. Interestingly, buried in a Montana newspaper called the Daily Citizen (actually a  
126 monthly publication) 17 years ago, there was an article about a person named Robin  
127 M. Bobbins. Apparently, Bobbins was wanted for string of property destruction  
128 incidents related to an expansion of the Northern Border Pipeline System. Bobbins  
129 was never apprehended.
- 130 22. Using mapping software, I drafted a diagram of the location of the sampling, the  
131 crusher, the campsite, and the Green/Markings tent. This map is to scale, and shows  
132 that a direct route between the Green tent and the equipment is .49 miles as the crow  
133 flies. There are some trees in the area, so a person navigating between the two locations  
134 would have to account for that in the route. I did travel the route to ensure there were no  
135 major obstructions on the path, and I was able to travel from the campsite to the  
136 sampling location in a relatively direct manner, aside from navigating around trees,  
137 rocks, and other small natural objects. Of note, I passed three visible “Private Property:  
138 No Trespassing” signs on the route.

FURTHER AFFIANT SAYETH NOT

By:           /s/ Ellis Gran            
          ELLIS GRAN

Subscribed and sworn to before  
me this 23<sup>rd</sup> day of August,  
2017.

          /s/ Anne Bensky            
Notary Public, Clearwater County,  
WI My Commission is permanent.

**AFFIDAVIT OF KARL/KARLA CAMPBELL**

Karl/Karla Campbell, being first duly sworn upon oath, states as follows:

- 1        1.    My name is Karl/Karla Campbell. I live at 123 Elm Street, Clearwater, Wisconsin,  
2            with my spouse and two kids—twin boys! My boys are 7 months old right now, at  
3            the time I’m writing this affidavit. I’ve lived here my entire life and absolutely  
4            love the city and the people.
  
- 5        2.    I’ve always wanted to be a mechanic. As soon as I could walk my Uncle John  
6            brought me into his garage and started teaching me about how to check a dipstick. I  
7            could change oil, tires (with a little help on the lifting) and refill coolants before I  
8            was out of elementary school. Uncle John and I loved to take apart and reassemble  
9            old cars and any other engines we could get our hands on.
  
- 10       3.    As I got older one of my favorite hobbies was demolition derby. Before I got my  
11           license, I would help Uncle John modify cars that he would drive in the demolitions.  
12           Once I turned 16, though, I was allowed to drive them in the derby myself. My  
13           favorites are gladiator divisions, because I can modify the cars however I want  
14           (within the rules, of course). Uncle John and I had a 15-year demolition derby  
15           winning streak at the Clearwater County Fair. We still enter (and usually win)  
16           occasionally, but I don’t have as much time on my hands anymore while the twins  
17           are young. I can’t wait to teach the boys and any future kids about demolition derby  
18           once they are old enough to do it with me.
  
- 19       4.    After high school I landed a job at Clearwater Corporation, specifically at  
20           Clearwater Defense, as a heavy equipment technician. Clearwater Defense paid for  
21           my Associate’s Degree in Diesel Equipment Technology. Unfortunately,  
22           Clearwater Defense went through layoffs when the economy tanked, and I wasn’t  
23           able to stay on with them. I worked as an automotive technician to keep the lights  
24           on for a while until Dig Deep Iron Mining Company moved into town.
  
- 25       5.    I took a job with Dig Deep in May of 2017 and was back to working on large  
26           machinery, which is my passion. I had to complete a week-long training program in  
27           North Carolina in early May to learn Dig Deep’s machinery, but I’ve been on site at  
28           the Clearwater location ever since the company moved several large pieces of  
29           equipment to the Clearwater site on May 15, 2017. Among many other pieces of  
30           machinery, this equipment included an in-pit crushing and conveying system and a  
31           large capacity mobile mining crusher. I’m the only mechanic on site full-time at  
32           Dig Deep’s Clearwater location, although we do have regular visits from  
33           supervisors, trainees, and occasionally part-time mechanics as well. In addition to me,

34 the machine operators are also required to have a basic mechanical working knowledge of  
35 the machines on site, and they are authorized to make regular adjustments on the machines  
36 on site as well.

37 6. It's so cool to be able to work on all the big mining equipment. Clearwater is the  
38 perfect place to have this job because the town has such a rich history of mining. It  
39 seems like every business is named for the mining: Old Iron Grill, Iron Hill Hotel,  
40 Iron Roost Brewery, you get the idea. The whole town revolves around mining the  
41 Iron. I couldn't imagine a better job!

42 7. On June 20, 2017, at 8:04 am, I was working at Dig Deep in the office, checking  
43 over paperwork to see when our next pieces were coming in on the in-pit crushing  
44 and conveying system, and making sure I had filled out all of the condition reports  
45 on the machinery that had arrived on site since May. I was finishing up some  
46 paperwork from my last mechanic job when my supervisor from headquarters  
47 called to talk to me. Roy Vanderlin, my supervisor, told me that someone had  
48 drawn graffiti on a mobile mining crusher at our Clearwater site—my site—in the  
49 early morning hours of June 20, 2017. Roy instructed me to take a picture of the  
50 graffiti before inspecting the machine so I could show it to Corporate.

51 8. I was not surprised to hear that one of the protestors had been on our property. Ever  
52 since our machinery started arriving in May, and particularly since on-site sampling  
53 began on June 1, 2017, we have had environmentalist protestors trying to stop Dig  
54 Deep from moving forward. Since sampling began, the protestors have actually  
55 been camping out near the sampling. Dig Deep actually had to hire a private  
56 security company to monitor the situation.

57 9. The protestors have been marching, chanting, singing, and also seemed to be trying  
58 to block entrances or stand in the way of our equipment. I know one night in early  
59 June someone tried to stand in the way of a dump truck I was moving for  
60 maintenance purposes and I didn't even see the person until it was almost too late! It  
61 was on Dig Deep's property. I was getting an early start so I could take off early that  
62 day, so it was around 4:30 am and still pretty dark out, and the person was wearing  
63 dark clothes. Right after it happened, I was thinking I didn't even realize protestors  
64 woke up that early... in retrospect, though, I doubt that person had ever even gone to  
65 bed! Luckily the person moved out of the way in time. I told one of the security  
66 guys about it but didn't make any kind of official report other than that—I wouldn't  
67 have even been able to identify the person, and that's not really my job anyway.

- 68 10. When Roy called me on June 20, though, I *was* a little surprised to hear that the  
69 protestors had actually vandalized our equipment with graffiti. All of the protests that  
70 I had seen up until that point had been peaceful and hadn't involved hurting any  
71 person or any property.
- 72 11. I drove right through the property to where I knew the mobile mining crusher was.  
73 When I got over to the machines, I noticed the graffiti that Roy had warned me about  
74 right away. The words "WE ARE WATER" were sprayed in bright blue. I took a  
75 picture, as requested by my supervisor. Upon wiping it with a cloth, however, the  
76 words came right off! I'm not sure whether it was just chalk paint, some kind of  
77 environmentally-friendly spray paint, or just some kind of spray paint that doesn't work  
78 on metal. Whatever it was, I was able to clean it right off and it didn't leave a mark.
- 79 12. I also did a visual inspection of the mobile mining crusher to see whether anything  
80 looked battered or destroyed. I did not notice anything out of the ordinary. I also started  
81 the system and had the Dig Deep workers run a sample piece of taconite through the  
82 crusher, and it appeared to work just fine. I then gave the workers the go-ahead to use  
83 the mobile mining crusher, and indicated it should be operational and fit for use. While  
84 the mining site was not operating at full capacity while we were doing sampling, the  
85 workers did use the mobile mining crusher to crush the taconite prior to separation of  
86 the iron ore from the taconite, so the mobile mining crusher was in use.
- 87 13. Once I got back to the office, around 9:40 am, I called Roy back at headquarters and  
88 told him that the only damage I had observed had been the spray-paint graffiti. Roy  
89 seemed surprised to hear that the equipment was not otherwise harmed. He asked  
90 whether I had checked the hydraulics. Since I had done a visual inspection of the  
91 whole machine and started it up and didn't notice anything problematic, I said yes. I  
92 thought it was a little weird he was so surprised, so I passed along my observations of  
93 the protestors that they had been peaceful up until that point.
- 94 14. Just after lunch (I remember because I had just gotten back from meeting my spouse at  
95 the Old Iron Grill for lunch), I received a call from one of the workers that the mobile  
96 mining crusher was having problems. Apparently the crusher had started by being pretty  
97 slow for a while, and then it started running really hot and making a weird noise. The  
98 worker said they had tried to get in touch with me when that happened but couldn't—I  
99 wish they had just shut the crusher down until after I had gotten back from lunch! By  
100 the time I was on the phone with the worker, the crusher had stopped working  
101 altogether. They could get it started, but the crusher wasn't actually running any cycles  
102 and moving the taconite through. I told the worker to shut the crusher down so it could  
103 start cooling before I got out there. I immediately put my protective gear on and proceeded out  
104 to the machinery to investigate and to try to get the crusher operational again.

- 105 15. Slow operation, strange noises and running at a high temperature are classic symptoms  
106 of a hydraulic failure. I also ran diagnostic codes on the control panel of the equipment  
107 which were also consistent with a hydraulic failure, so I knew where to start looking. I  
108 retracted all cylinders, made sure the machinery was on level ground, and implemented  
109 the Lock out and Tag Procedure, which is a standard safety measure to make sure the  
110 energy had dissipated and it was safe for me to be working on the crusher. I unscrewed  
111 the hydraulic breather filter to release any built up hydraulic pressure and checked the  
112 oil indicator, which showed that the oil levels on the crusher were fine.
- 113 16. I then loosened the filter cover bolts for the Return Line Filter, pulled off the filter  
114 cover, and pulled out the filter to check it. This is the area of the hydraulic system  
115 where the hydraulic oil is added, so that it is filtered through the Return Line Filter  
116 prior to entering the tank. As I was loosening the filter cover bolts, I saw a small  
117 amount of a white crystal substance on the filter cover near the bolts. I used my pinky  
118 finger to pick up a small amount of the substance and I tasted it; it was definitely sugar.
- 119 17. I removed the Return Line Filter, which appeared to be in relatively good shape. I did  
120 not see a large amount of build-up there. I drained the hydraulic oil and it appeared  
121 thick and was completely contaminated with abrasives.
- 122 18. From there, I took apart the hydraulic system and all components of the hydraulic  
123 system on the mobile mining crusher were completely corroded and worn down. The  
124 pump and motor on the hydraulics had completely failed. I had seen this type of  
125 vandalism occur once prior when I worked at Clearwater Defense—if someone pours  
126 sugar or salt in the hydraulic system of a machine, and the machinery is then run, the  
127 abrasives will cause the system to erode and will destroy every component inside the  
128 hydraulic system of the machine.
- 129 19. Not just anyone would know how to do something like this. Here, the person must have  
130 removed the Return Line filter and poured sugar into the hydraulic oil prior to replacing  
131 the filter; otherwise, the sugar just would have clogged the filter and not done much  
132 damage beyond that. While there was some risk to this method in that if the sugar had  
133 been discovered prior to running the machine we could have avoided the full extent of  
134 the damage by completely draining and replacing the hydraulic oil, a visual inspection  
135 of the equipment earlier that morning left me without any idea that the damage had  
136 occurred until after the hydraulics on the crusher had been destroyed.
- 137 20. Additionally, whoever did this must have known that this type of destruction makes it  
138 more difficult to say for sure that it was property damage and vandalism, versus  
139 normal wear and tear. Had the individual slashed tires, hydraulic pumps, or taken a bat

140 to different components on the machinery, I would have known about the damage  
141 immediately. By pouring sugar into the hydraulic oil past the filter, when the  
142 machinery is operated, the sugar acts as an abrasive in the hydraulic system and  
143 ultimately corrodes the components, disguising the vandalism as normal wear and tear.

144 21. After I completed my diagnosis of the crusher, I told the workers that the crusher was  
145 out of commission and could not be used. I returned to the office and called Roy to  
146 pass along the news. I also looked into ordering a new hydraulics system for the  
147 crusher. The hydraulic system is the most expensive component of the machine; it was  
148 only slightly less expensive than replacing the crusher completely. The crusher was also  
149 taken out of commission while we waited for the new hydraulic system to come in.

150 22. The next thing I did was check the inspection sheet for the crusher that I keep in my  
151 office. I have to initial this sheet every time I do an inspection on the machine to make  
152 sure everything is in working order and there are no other issues. While I was looking  
153 at it, I noticed that I had not initialed the form the last two times I had come to check  
154 on the equipment. I provided the sheet to the lawyers in this case, and I confirmed that  
155 the initials next to 5/15, 5/22/, 5/29 and 6/5 are all mine.

156 23. I typically check on all of my equipment once a week, and that can be anything from a  
157 full inspection (most thorough), to checking filters/oil levels (next most thorough), to  
158 just a visual check of the equipment in operation to make sure everything appears to be  
159 in working order. I'm always really good about doing the inspections, but I honestly  
160 cannot remember these specific inspections that would have taken place on June 12,  
161 2017 and the day before the incident, on June 19, 2017. While I can't say for sure, I  
162 suspect that must be because the inspections came back normal and I had no reason to  
163 specifically remember them. I'm sure it was just an error in not marking the sheet.  
164 While I've been pretty tired lately with the twins keeping me up at all hours, the job at  
165 Dig Deep is my dream job and I make sure to take care of all of the equipment at my  
166 site. In fact, just two weeks ago I had some major repairs on a dump truck to make and  
167 I got it back to working order and now it operates just like new!

168 24. It is my opinion to a reasonable degree of certainty within the field of heavy  
169 equipment mechanics that someone with at least a basic understanding of mechanics  
170 removed the Return Line filter of the hydraulic system, poured sugar into the  
171 hydraulic oil, and replaced the Return Line filter. When the machine was operated,  
172 then, after only a few hours of operation, the sugar in the hydraulic oil worked its  
173 way through the hydraulic system and acted as an abrasive, corroding every component of  
174 the hydraulic system including the pump and the motor, and requiring replacement of the  
175 hydraulic system in its entirety. For someone with an understanding of mechanics and  
176 hydraulics, this entire process could have been completed in 5 minutes or less—I know  
177 because I've been replacing Return Line filters on this machine about every week or two

178 since the machine got here in May. All this person would have had to do was loosen the filter  
179 cover bolts, remove the filter cover, pull out the Return Line filter, pour the sugar into the  
180 hydraulic oil, and replace the Return Line filter.

181 25. I am writing this affidavit less than a month after the events took place, at Roy's  
182 request. Dig Deep has assured me that even in the event that mining does not continue  
183 as planned in Clearwater, I would keep my job and my family would be relocated to  
184 Dig Deep's nearest mining site, which is located in Minnesota.

FURTHER AFFIANT SAYETH NOT

By: /s/ Karl/Karla Campbell  
KARL/KARLA CAMPBELL

Subscribed and sworn to before me  
this 17<sup>th</sup> day of July, 2017.

/s/ Larissa Dallman  
Notary Public, Clearwater County, WI  
My Commission is permanent.

**AFFIDAVIT OF JESSE/JESSIE GREEN**

Jesse/Jessie Green, being first duly sworn upon oath, states as follows:

- 1           1.    My name is Jesse/Jessie Green, but most people know me as “Kailani” which means  
2           “sea and sky” in Hawaiian. (It was my camp counselor name back in the day and it  
3           stuck.) I am twenty-three years old, a lifelong Clearwater resident, and I am a fifth-  
4           year senior at the University of Wisconsin – Clearwater. I am double majoring in  
5           Wildlife Ecology and Fisheries & Water Resources. It took me a little while to find  
6           my way in school, but eventually I drew upon my experience as a frequent protestor  
7           against environmental degradation and used that to form my path.
  
- 8           2.    What really inspired me to start speaking up and exercising my first amendment right  
9           to free speech as an informed, civically engaged citizen was my disgust with the acts  
10          of big corporations: seeing how they are prioritizing short-term gains at the expense  
11          of the environment and the well-being of local residents who do not always have the  
12          resources to stand up for themselves. These corporations are willing to destroy earth  
13          that has been pure and sacred for thousands of years for the *chance* at earning money  
14          off of a finite natural resource. When they are done and they pack up their machines  
15          and leave, what will be left? Depleted land and life-sustaining water that has been  
16          poisoned by runoff—and for what? If you look that the time the land has been here  
17          before us and the time it will remain after us, we are just a blink of a firefly in the  
18          whole scheme of things, you know? Shouldn’t we be using that blink to make the  
19          world better for the next generation, rather than worse?
  
- 20          3.    One thing that I really appreciate about my experience with protesting is the  
21          community that I have formed around me. Each new protest is a chance to catch up  
22          with old friends, like my frequent tent-mate, Bobby Markings. We speak out and  
23          make change together, but we also get to immerse ourselves in some of Mother  
24          Nature’s finest offerings together. Nothing can beat a silent, sunrise jog around a lake  
25          as still as glass, with wildlife abound. Experiences like these create lifelong bonds.
  
- 26          4.    So, when Dig Deep Iron Mining Company came to Clearwater to try to start mining,  
27          I learned a bit of their history and got really riled up. It seemed way too convenient  
28          that they would donate money to local elected officials’ successful election  
29          campaigns, and after that the mining regulations were changed to open the door for  
30          them to sweep in to deface more beautiful, green earth. They were clearly using their  
31          financial influence to fatten their own wallets. Always looking to see what they  
32          could take from the earth—never giving.
  
- 33          5.    My protesting and school buddies and I started talking about ways that we could  
34          effect change when we would get together on Thursday nights at the Iron Roost

35 Brewery. We decided the best way to help was to reach out to the experts, and  
36 we started building connections with local environmentalists. We began attending  
37 their educational events and learned more about their concerns: local families were  
38 suddenly facing the prospect of having their drinking water, fishing grounds, the  
39 source of their food, and more, contaminated by mining runoff. To make matters  
40 worse, the river that would collect the runoff drains into Lake Superior—  
41 jeopardizing one of the cleanest large bodies of water we have left and impacting  
42 people in Wisconsin, Michigan, Minnesota and Canada.

43 6. Since mining had not yet begun and the damage had not yet been done, we knew we  
44 had to try to do something so that Clearwater would remain worthy of its name. The  
45 stakes were too high to stay silent. We began to organize and participate in peaceful  
46 protests. When the government overlooked our protests and approved Dig Deep’s  
47 paperwork to move ahead with sampling, we took it a step further and set up tent  
48 camps in the Penokee Hills, just outside the borders of Dig Deep’s proposed mining  
49 site. “Sampling” is much more invasive and harmful than they were making it out to  
50 be, and we needed to do more. We tried to get the attention of local and national  
51 media, citizens and politicians. Dig Deep brought in private security contractors from  
52 out-of-state who tried to intimidate us with their “No Trespassing” signs, with their  
53 constant patrols on fancy Segways, their tear gas and their machine guns. It was so  
54 disrespectful to stain the earth with their weapons and threats of violence. Then Dig  
55 Deep came in with their big machines. We were not deterred, and I can tell you that  
56 despite our peaceful approach we did not make any friends with the guys in suits at  
57 Dig Deep.

58 7. On the night of June 19-20, 2017, I did what I had been doing pretty much every  
59 overnight since the end of the semester: I slept at the camp with my comrades, sharing  
60 a tent with my pal Bobby Markings. I would have been wearing my forest green  
61 hooded sweatshirt with a light blue peace sign on the back—this is what I wore every  
62 night. I had not been going to town to shower or change clothes much: my mom calls  
63 this the “smelly period” in my life. It all just seemed so unimportant. If mining  
64 would so pollute the water so that the locals would not be able to use it, I was not  
65 about to grant myself a luxury that others would not have.

66 8. Before hitting the sleeping bag that night, my fellow protestors and I had spent the  
67 night around our campfires as a community, sharing stories, songs, food and beer. I  
68 didn’t look at a clock to see when I went to sleep, but the last thing I did before bed  
69 was close things down with Bobby with a rousing rendition of the Dylan classic,  
70 “Blowing in the Wind.” When I went to sleep, our fire was still burning and Bobby  
71 had a beer to finish. I wouldn’t say I was drunk, but between a couple of beers, the  
72 starry sky above and the fresh air, I slept hard that night.

73 9. The next day was like any other. We marched, we chanted, we sang, we gave media  
74 interviews, we called and wrote to politicians, we  
75 tweeted/facebooked/instagrammed/snapchatted and liked/commented/shared on  
76 social media in general, we tried to block entrances (usually unsuccessfully—they  
77 really were ruthless and did not seem to mind the possibility of running us over), we  
78 made new signs with our spray paint to replace the ones the security guards routinely  
79 tore up. I prefer the environmentally-friendly spray paint—it isn't as permanent, but  
80 at least it's all-natural and organic. Everyone in the campsite uses that kind. I helped  
81 other people make signs like "Defend the Sacred" and "Iron Mines = Genocide" and  
82 "Injustice Anywhere Threatens Justice Everywhere," although mine usually said  
83 "We Are Water"—it was not completely original because I borrowed the phrase from  
84 another camper, but I thought it was particularly thought-provoking. In fact, I even  
85 made it my Instagram profile picture. We ate and stayed hydrated. Some people ran  
86 to town to restock supplies. It was eventful, but not in any unusual ways. Frankly,  
87 looking back on that day, I have a hard time separating it out from any other day.

88 10. I remember talking to that Ellis Gran kid when they were snooping around at some  
89 point. They looked like a poser trying to blend in—looking way too clean-cut to be  
90 one of us— but I just figured they were a reporter. That's who first told me that  
91 someone had messed with equipment parked near our camp. I remember I said  
92 something like, "What, did someone sugar the hydraulics again? Classic." They  
93 asked questions about the protests and I gave them the full run-down of why we  
94 were there, who was involved, etc. Then they started asking questions about whether  
95 they could borrow some sugar. I told them that of course they can! We all need it  
96 because that campfire coffee is bitter! I keep it in the big plastic bin I have in my tent  
97 with all of the stuff I don't want the bears to get, but everyone can have access to my  
98 stuff whenever they need it.

99 11. I would never try to sabotage equipment—I only meant what I said as a joke. How  
100 do we know the equipment didn't just break down on its own?

101 12. We had all actually heard that the suits wrecked their own equipment – "planting  
102 some troublemakers," if you will, to make the public view the protestors in a  
103 negative light and make us seem less than peaceful. And then when they decided to  
104 come up with a scape goat, I don't know how they even found me—did they do  
105 background checks on all the protestors? Did they target me just because my parents  
106 are mechanics, and for a while I was an art major and I also took classes on  
107 machinery when I was thinking of becoming an organic farmer? I don't know. I just  
108 know the police didn't think there was enough to file charges. And now this. They  
109 just can't let it go.

110 13. I don't regret a thing from the protests, and I know I will look back on it as a formative  
111 part of my life. Peaceful protests can work! When Dig Deep withdrew their permitting  
112 requests, I knew it was all worthwhile and I could be a part of the change. If there is one  
113 hope I have for the future, it is that my children and my children's children can carry this  
114 lesson with them.

FURTHER AFFIANT SAYETH NOT

By: /s/ Jesse/Jessie Green  
JESSE/JESSIE GREEN

Subscribed and sworn to before me  
this 14<sup>th</sup> day of November, 2017.

/s/ Kristen Lonergan  
Notary Public, Clearwater County, WI  
My Commission is permanent.

**AFFIDAVIT OF BOBBY R. MARKINGS**

Bobby R. Markings, being first duly sworn upon oath, states as follows:

- 1        1.    My name is Bobby R. Markings. I am a lifelong Wisconsin resident and a lifelong  
2            environmentalist. Who wouldn't be in Wisconsin? Have you seen Devil's Lake?  
3            When I'm not fighting for the environment in Wisconsin, I'm enjoying it. I'm pretty  
4            sure I've canoed almost every lake in the State. I just recently bought myself a new  
5            river kayak that I'm eager to test out. I love hiking, and most of all winter camping.  
6            It's so peaceful, and the challenge of it is what makes it rewarding. I'm also an avid  
7            birder. Thank goodness the cranes are back. Also, just recently, I spotted a Wilson's  
8            Warbler!
  
- 9        2.    I've worked for a number of environmental non-profit organizations in various roles.  
10           These organizations do great work, but I started to feel like it wasn't enough. I'm  
11           not a passive, quiet person. I'm the type of person who freaks out if I see anyone  
12           throw a piece of paper in the garbage instead of the recycling bin. So I found my  
13           way into protesting. I think protesting accomplishes a lot for the cause. It gets a lot of  
14           attention and reminds these large corporations that people are watching and aren't  
15           going to let them destroy our State without a fight.
  
- 16       3.    I first met Kailani—Jesse/Jessie Green--at a rally to stop the overfishing of walleye  
17           which I learned of through our college, UW-Clearwater. We instantly hit it off.  
18           Kailani had the same level of passion and enthusiasm I had, and we have been  
19           protesting together ever since. I mean, we aren't exactly the same in our approaches.  
20           I think I'm a little more assertive than Kailani about certain things. Kailani tends to  
21           be more polite and try to have conversations with people who disagree with us. I get  
22           too fed up.
  
- 23       4.    I graduated three years ago, but Kailani still goes to school at Clearwater. So of  
24           course when we heard that Dig Deep planned to come in to create this massive pit  
25           iron ore mine, Kailani and I knew we had to be involved. As soon as they started  
26           building the mine site, we set up camp. We started protesting.
  
- 27       5.    Kailani and I shared a tent. It was nothing fancy, but we don't need fancy. It was big  
28           enough where we each had our own little space for our sleeping bags and clothes. I  
29           did ask Kailani at one point why we did not just go back to sleep at their place which  
30           was not a terribly long ways away on campus—I know they have space and at times  
31           the ground is well, not the most comfortable. But Kailani was adamant that we stayed  
32           on-site, and they were right. We wanted to keep our eye on them at all times.
  
- 33       6.    We were not alone at the site. After not much time we had a pretty good team of  
34           protesters. I wouldn't say Kailani and I were necessarily the declared leaders of the  
35           protesters, but we certainly were up front. We were never violent or anything like  
36           that, but we weren't quiet either. From morning to sunset we had people protesting. I  
37           pioneered a few of our greatest chants. One of my favorites is when we would all  
38           yell "mine, mine, mine, mine" like the seagulls in that awesome kid's movie about  
39           the fish. You know, what's it called, where the fish gets lost? The point we were

- 40 trying to make with that one was that these companies felt like they could just take  
41 the land and ruin it, when it's not theirs to take. It belongs to everyone. Another  
42 classic: "GREED OR COMMUNITY, IRON ORE OPPORTUNITY."
- 43 7. I was with Kailani on the night of June 19, 2017, and into the morning of June 20th.  
44 At that point we had been at the site for about two weeks. We knew the "Big Guns"  
45 people. We definitely didn't get along but we didn't get physically aggressive with  
46 them and they didn't get physically aggressive with us. They were just doing a job.  
47 We had a cause. Or, at least that's what I thought until all this went down with them  
48 accusing Kailani.
- 49 8. That night, Kailani and I did our normal evening routine. We enjoyed the campfire  
50 with our fellow protestors. We ate beans, sang songs, told stories, and put back a  
51 few beers. I'd say I had maybe 6 beers total, but that was over the whole evening.  
52 And I'm no stranger to beer.
- 53 9. Kailani I think was wearing their green sweatshirt with a peace sign on it. I forget  
54 which protest it was, but I know those sweatshirts were handed out at some protest a  
55 few years ago. Kailani loves that sweatshirt.
- 56  
57 10. Before going to bed in our tent, Kailani and I sang Blowing in the Wind. Kailani  
58 always goes for the harmonies. We actually do a pretty good duet. I'd guess we then  
59 went into our tent and fell asleep around midnight.
- 60 11. I woke up in the middle of the night to the hoot of a great gray owl—the tallest owl  
61 in Wisconsin. It can have a wingspan of up to 60 inches. Even when I'm asleep, I'm  
62 somehow still listening for birds. Anyway, I grabbed my phone to use the flashlight  
63 to try to find the owl and maybe even snap a picture. When I turned my phone on I  
64 saw that it was 2:35 in the morning. I looked over to Kailani's sleeping bag as I left  
65 the tent—I was trying to be as quiet as possible—and Kailani was definitely asleep  
66 in the tent in their sleeping bag. I could hear them snoring. Trust me, by that point, I  
67 knew that snore.
- 68 12. I went out to look for the owl. I was gone just under twenty minutes with no luck. I  
69 came back into the tent and fell asleep. Kailani was still there sleeping and snoring  
70 away.
- 71 13. I know that those crooks at Dig Deep and their henchmen at Big Guns are saying  
72 that Kailani vandalized and destroyed some property. That's crazy. I would have  
73 noticed if Kailani had left the tent that night—the zipper is super loud. Kailani  
74 couldn't have gone and done all that and been back, asleep, by the time I was back  
75 from my owl expedition.
- 76 14. Even more, though, I know Jesse/Jessie. Why would they do that? It's not their style.  
77 There were so many protestors, I have no idea how they think they can narrow it  
78 down to just Kailani. We all had access to blue spray paint—the entire campsite of  
79 shared paint to make the signs!
- 80 15. I'm convinced that this is just Dig Deep's way of trying to get rid of the heart of the

81 protest. I wouldn't be surprised, honestly, if they did the damage themselves. It  
82 makes it look like they are the victims, when the real victims are the land and the  
83 people who love this land.

FURTHER AFFIANT SAYETH NOT

By: /s/ Bobby R. Markings  
BOBBY R. MARKINGS

Subscribed and sworn to before me  
this 23<sup>rd</sup> day of November, 2017.

/s/ Hannah Schieber Jurss  
Notary Public, Clearwater County, WI  
My Commission is permanent.

**AFFIDAVIT OF CHARLIE BAKER**

Charlie Baker, being first duly sworn upon oath, states as follows:

- 1       1.    My name is Charlie Baker. I am 36 years old. I am currently unemployed. My last  
2            employment was as a security guard with Big Guns, Inc., a private security firm. The  
3            Plaintiff, Dig Deep Iron Mining Company, Inc. contracted with Big Guns, Inc. for its  
4            security work to patrol its mining sites including the proposed site in Clearwater.
  
- 5       2.    I graduated with a bachelor's degree in legal studies from the University of Clearwater  
6            in June of 2012. I was particularly interested in the criminal justice system, and the  
7            University of Clearwater offered a certificate program that had targeted classes in this  
8            area. This is what drew me to the University of Clearwater.
  
- 9       3.    I completed my Criminal Justice Certificate Program with my coursework required  
10           for my major, and upon graduation was awarded a Certificate in Criminal Justice.
  
- 11      4.    Immediately after graduation I accepted a security guard position with Big Guns, Inc. It  
12           was my first "real" job, and I was pretty excited about it. I took my position and new  
13           career very seriously. I was particularly impressed with the big companies that  
14           contracted with Big Guns and the locations I may be employed.
  
- 15      5.    Big Guns, Inc. offered paid training programs to new employees as well, which was  
16           also alluring. During my first two weeks of employment, I was trained on the following  
17           topics: the role of private security, legal aspects pertaining to private security, patrol  
18           and observation, incident response protocol, security resources like surveillance  
19           equipment operation and documentation, working with the public, first aid overview  
20           and report writing.
  
- 21      6.    Their training programs included optional training and certification to carry a  
22           firearm. I think we are too quick to arm people in this country. What would I need  
23           a firearm for anyway? Shooting at trespassers or graffiti artists who wandered into  
24           the lots for some harmless mischief? The public perception of the big companies I  
25           was going to work for wasn't all that positive already, so carrying a firearm didn't  
26           seem like a good idea.
  
- 27      7.    I got a uniform and badge, flashlight, and walkie talkie. That seemed to be all I

28 really needed. I have to admit, I really rocked that uniform. Big Guns, Inc. and Dig  
29 Deep Iron Mining Company also didn't require me to carry a firearm, so I thought  
30 "why should I bother?" It seemed like more and more new guards were armed, and it was  
31 suggested to me on more than a few occasions by my boss that I consider the paid training  
32 and certification to allow me to carry a firearm.

33 8. I was working for Big Guns, Inc. for about five years in a variety of locations before I  
34 was placed at the Dig Deep Iron Mining site when they began to operate the property  
35 on May 15, 2017. I mostly worked at manufacturing and construction sites on overnight  
36 shifts, so I was particularly familiar with the type of night patrol and security issues  
37 involved with such locations.

38 9. During my time with Big Guns, Inc. I never received a negative review or complaint  
39 from a client. I was commended for having thorough reports. With my vigilant patrol  
40 and keen eye, I have contributed to 8 arrests over a five year period related to people  
41 breaking into a site, attempting to take or damage property, or simply trespassing. Five  
42 of those incidents led to criminal prosecutions. I thought I was on track for a promotion  
43 soon to more cushy daytime hours. I was told if I did well during the Dig Deep Iron  
44 Mining, Inc. contract period, I could expect to receive a raise and those daytime  
45 assignments.

46 10. I often walked my patrol with another guard. This made the passing night hours easier to  
47 handle (so long as your partner for the night is tolerable). Before the events of June 20,  
48 2017 I had been paired up with Perry Blart a few times. Perry is not tolerable. Perry is a  
49 little intense about the job: thinks they are super important because they carry a firearm,  
50 constantly reminds you of all the rules and suggested routines we were trained on and  
51 when you are not in compliance, etc. A real newbie with a complex. They kept on me  
52 about keeping my name tag visible at all times. Really?!? Because making sure your  
53 name tag is visible is going to help you keep a sharp eye on the property while we patrol  
54 in the middle of the night . . .

55 11. On June 20, 2017 there was an incident at the mining site during my shift. I was  
56 working the overnight shift as usual and actively patrolling the grounds with Perry. This  
57 night we elected to use Segways to patrol the grounds and give our legs a break. Around  
58 2:48 am, as we approached a mining crusher I started to make out what looked like a  
59 person next to it (where they shouldn't be). Just as I was starting to focus in on this  
60 shape and determine if they were using spray paint on the equipment as I suspected,  
61 Perry was gesturing wildly in the direction and got off their Segway noisily. Before I  
62 could calmly and quietly approach to assess the situation further, Perry had jumped off

63 the Segway, yelled and pointed their flashlight at the suspicious person. That overeager  
64 newbie cost us time to assess the situation and get a better look at this individual.

65 12. I was at least 50 yards from this individual when I was finally able to get my flashlight  
66 out and scanned across them. I was simultaneously trying to get off my Segway and  
67 move toward where Perry was gesturing when they yelled and the individual started to  
68 take off. I immediately yelled at that point, too, and tried to focus my light back on the  
69 individual and that general direction but they were on the run. I was only able to catch  
70 another glimpse or two in the light as they were running away and I then began to  
71 pursue them. As I was running, I got on my walkie talkie as well and notified the other  
72 guards on duty that we had a trespasser running from the property toward the south exit.

73 13. All I saw was an individual of average height, wearing dark clothing (likely black). With  
74 the hood on the sweatshirt up I couldn't tell if this was a man or woman or really any  
75 other identifying characteristics. I can tell you there was some sort of picture or design  
76 on the back of the sweatshirt, but I couldn't make out what it was.

77 14. Unfortunately the head start this individual had was too great, and I was unable to  
78 catch up with them. The other guards were similarly too far away to see anything or  
79 get to the southern property border in time.

80 15. After my pursuit I returned to the equipment to take a quick survey of the damage. I saw  
81 the words "WE ARE WATER" in spray paint on the mobile mining crusher. I do not  
82 know much about this type of equipment so I couldn't tell if this graffiti was serious,  
83 whether the machine would need repainting or whether it would come off, or how much  
84 repainting (if needed) would cost.

85 16. I immediately returned to our trailer which acts as a headquarters of sorts, and noted  
86 my observations to later commit to a report. I know it's important to write these things  
87 down right away so I don't forget them and because this site doesn't have security  
88 cameras to reference. I write up my reports after the next guard begins their shift and  
89 we have an hour overlap to debrief on any particular issues and allow for any  
90 paperwork to be completed without leaving the location unsecured.

91 17. I understand that Dig Deep Iron Mining, Inc. sent someone out to inspect the mobile  
92 mining crusher the next day and discovered the property was significantly vandalized  
93 and damaged.

94 18. My boss from Big Guns, Inc., a Dig Deep Iron Mining, Inc. representative and some

95 private investigator Dig Deep Iron Mining, Inc. had hired met with me a few days later  
96 to go over my report and description of the suspect. I relayed that what I had reported  
97 was all I saw and I was sorry I couldn't offer anything else. It was a brief meeting.

98 19. I don't remember how much later, but there was a second meeting with my boss, Dig  
99 Deep and their private investigator where they brought out my report again and showed  
100 me pictures of Defendant. They asked me if Defendant was the person I saw that night. I  
101 told them that given the limited visibility I had of the Defendant that night, I really  
102 couldn't say for sure. They kept pressing me to "look harder" and pointed out the  
103 similarities between my report and this person they told me was known to protest there.  
104 They told me Perry recognized the Defendant. Everyone seemed very frustrated when I  
105 couldn't commit that the Defendant was who I saw vandalizing the property on June 20.  
106 I could only say it is possible because there were some similarities.

107 20. Not long after that second meeting, I learned the district attorney's office  
108 declined to prosecute Defendant.

109 21. It was only a week after I learned about the lack of a criminal investigation when I was  
110 "let go" from Big Guns, Inc. I know that the Dig Deep Mining Company, Inc. contract  
111 was a big source of income for the company. We had a lot of security guards employed  
112 with them at this site and there was talk we would be the go-to company for future  
113 mining sites around the state.

114 22. Big Guns, Inc. let me go because I dozed off at my computer writing a report at the  
115 end of my shift. When you work overnight shifts this happens! I'd never done it  
116 before and my replacement had already arrived, been debriefed and began patrolling  
117 the site. I think it's because I was the scapegoat for Defendant escaping criminal  
118 prosecution.

FURTHER AFFIANT SAYETH NOT

By:           /s/ Charlie Baker            
CHARLIE BAKER

Subscribed and sworn to before me  
this 23<sup>rd</sup> day of September, 2017.

          /s/ Ashley Richter            
Notary Public, Clearwater County, WI  
My Commission is permanent.



**EXHIBIT**  
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Suggestions for You See All

**GREEN BAY**

**Aaron Rodgers**  
aaronrodgers12

Follow

**PACKERS**

**Jordy Nelson**  
jnelson

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**EXHIBIT**

**C**

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**OFFICIAL ACADEMIC TRANSCRIPT**

University of Wisconsin-Clearwater  
1212 University Avenue  
Clearwater, Wisconsin 53595

Jessie/Jesse Green – ID No. 209184  
9876 N. Protest Street  
Clearwater, Wisconsin, 53594

2013 - FALL SEMESTER		2014 - SPRING SEMESTER	
BIO 100 – Basic Biology/Lab (4 cr)	C+	BIO 200 – Bio. of Organisms (4 cr)	B-
ENG 101 – College Composition (3 cr)	C	CMJ 103 – Fund. of Pub. Comm. (3 cr)	B+
MAT 122 – Pre-Calculus (3 cr)	B-	ART 102 – Intro. to Art – 2 (3 cr)	C+
ART 101 – Intro. to Art – 1 (3 cr)	C	MAT 126 – Calculus (3 cr)	B-
2014 - SUMMER SESSION			
MECH 100 – Mechanical Engineering (1 cr – P/F)			P
MECH 101 – Heavy Equipment Electronics and Electrical Systems (1 cr – P/F)			P
2014 - FALL SEMESTER		2015 - SPRING SEMESTER	
ECO 120 – Princ. of Microeconomics (3cr)	B	BIO 329 – Vertebrate Biology/Lab (4cr)	B
WLE 150 – Found. of Wildlife Man. (1cr)	B+	WLE 200 – Ecology (3 cr)	B
ART 103 – Intro. Oil Painting (3cr)	C	WLE 201 – Ecology Lab (3 cr)	B+
CHY 121 – Intro. to Chem/Lab (4cr)	B-	ART 303 – Intro. to Sculptures (4 cr)	C+
ART 321 – Intro. to Photography (3 cr)	C+		
2015 - SUMMER SESSION			
MECH 201 – Heavy Engine Rebuild (1 cr – P/F)			P
MECH 300 – Powertrain and Hydraulics (1 cr – P/F)			P
2015 - FALL SEMESTER		2016 - SPRING SEMESTER	
NRE 250 – Intro. to Fisheries (4cr)	A-	ERS 101 – Intro. to Geology (3cr)	C+
WAT 488 – Aquatic Insects (3cr)	A	BIO 353 – Invertebrate Zoology/Lab (4cr)	B+
WAT 388 – Aquatic Ecology (3cr)	B-	EES 140 – Soil Science (4cr)	B-
BIO 130 – Intro to Plant Biology (3cr)	C+	BIO 464 – Taxon. of Vascular Plants (4cr)	B+
2016 - SUMMER SESSION			
WLE 250 – Wildlife Field Survey (3 cr)			A-
CHY 351 – Survey of Organic Chemistry – Lecture (3 cr)			C+
PHY 201 – Applied Principles of Physics (4 cr)			B-
2016 - FALL SEMESTER		2017 - SPRING SEMESTER	
PHL 380 – Environmental Ethics (3 cr)	B	WAT 200 – Prep. Career in Fisheries (1cr)	B+
WAT 483 – Fisheries Research (3 cr)	A-	BIO 210 – Principles of Genetics (4 cr)	B
WAT 484 – Fisheries Management (3 cr)	B+	BIO 465 – Evolution (4 cr)	B
BIO 381 – Animal Physiology (5 cr)	B	WLE 470 – Wildlife Policy and Admin (3cr)	B+
		WLE 423 – Wetland Ecology and Cons. (3cr)	A-

**EXHIBIT**

**D**

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# Karl/Karla Campbell

111 Elm Street · Clearwater · Wisconsin · 53594 · (790) 854-3298 · [kcampbell@digdeep.com](mailto:kcampbell@digdeep.com)

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- EDUCATION**
- *Associate's Degree*, Diesel Equipment Technology
    - Clearwater Technical College – June 2002
  - *High School Degree*, Clearwater High School – June 1999
- EXPERIENCE**
- Heavy Equipment Mechanic – Dig Deep Iron Mining Company, Inc. – May 2017 – present
    - Responsible for maintenance, upkeep and inspections of all heavy equipment on Clearwater site
    - Fix problems with all systems of all heavy-duty equipment, including dump trucks, open pit mining systems and conveyers, and mobile mining crushers
  - Automobile Mechanic – John's Auto – May 2005-May 2017
    - Fixed all problems related to vehicles, both domestic and imported
  - Heavy Equipment Technician – Clearwater Defense, Clearwater Corporation – June 1999 – February 2005
    - Fixed heavy machinery of all types
    - Worked both on-site and traveled to equipment located in the field at locations throughout Wisconsin
- TRAINING**
- Dig Deep Iron Mining Company, Inc. – Borgersvurg School for Open Pit Iron Mining Equipment Mechanics – May 2017
    - Completed week-long training program in Rocky Mount, North Carolina
    - Learned policies and procedures specific to Dig Deep Iron Mining Company, Inc.
    - Received training specific to all equipment used in Dig Deep Iron Mining sites
- HOBBIES**
- Demolition Derby – maintained a fifteen-year winning streak at Clearwater County Fair's Demolition Derby
    - Have competed in: Gladiator Divisions, School Bus Divisions, Minivan Divisions, Decades Divisions (1970s, 1980s, and 1990s), as well as standard divisions

**EXHIBIT**

**E**

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## INCIDENT REPORT

Date of Incident: June 20, 2017

Time of Incident: 2:50 am

Security Officer: Perry Blart

Date of Report: June 20, 2017 at 7:00 am

Type: Trespass, Damage to Property

### Narrative:

On June 20, 2017, around 2:50 am, I was on patrol with my co-officer, Charlie Baker, on the property at the Clearwater site at 123 Getiron Road in Clearwater, Wisconsin. Please note: my time may be off by a range of 1-2 minutes in either direction, as I was focused on my patrol and the incident at hand. Baker and I were both on Segways. I observed movement near a mobile mining crusher, which required my partner and I to dismount and walk toward the equipment. Upon approach, I observed an individual holding an aerosol can aimed toward the side of the crusher. I raised my flashlight and shouted "FREEZE!" Before I was able to get close enough to the individual or get enough light on the person's face, the individual fled. I pursued the suspect on foot, but I was not able to catch the individual due to the lead that the individual had in the chase. The individual fled in the direction of the Penokee Hills campsite, where a number of protestors are camping out. Unfortunately, I was not able to ascertain the person's gender, nor was I able to identify the individual based upon the lighting at the location. I did note that the person had what appeared to be a Packer football logo on a dark sweatshirt with the hood up, and had a medium build and appeared to be in their late teens to early twenties. I am recommending to my supervisor and thus hopefully to Dig Deep that more lighting in the area of the equipment would be helpful on the overnight shifts.

/s/ Perry Blart

PERRY BLART





## INCIDENT REPORT - SUPPLEMENT

Date of Incident: June 20, 2017

Time of Incident: 2:50 am

Security Officer: Perry Blart

Date of Report: June 30, 2017 at 8:00 am

Type: Trespass, Damage to Property

### Narrative:

This report will serve as a supplement to my Incident Report dated June 20, 2017. I met with Private Investigator Ellis Gran following my original report in this matter, and realized I have some errors that require correcting. First, the dark sweatshirt that I believed to have a Packers logo on it was indeed a dark sweatshirt, but upon further reflection and recollection the sweatshirt actually had a peace sign on the back of it. Second, upon seeing the photographs provided by Ellis Gran, I can positively identify the suspect as Jesse/Jessie Green. I am 99% sure that Green was the individual I saw in the early morning hours of June 20, 2017. I can recall their face as they looked back at me two to three times while I was pursuing them off of the Dig Deep grounds.

/s/ Perry Blart

PERRY BLART

**EXHIBIT**

**G**

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## INCIDENT REPORT

Date of Incident: June 20, 2017

Time of Incident: 2:48 am

Security Officer: Charlie Baker

Date of Report: June 20, 2017 at 7:30 am

Type: Trespass, Possible Damage to Property (Graffiti)

### Narrative:

On June 20, 2017, around 2:48 am, I was on location at 123 Getiron Road in Clearwater, Wisconsin, patrolling the scene as an employee of Big Guns, working for Dig Deep Iron Mining Company. I was patrolling with Perry Blart. Blart and I noticed an individual near the mobile mining crusher. It should be noted that Blart's approach of the individual caused the person to become aware of our presence, and the individual fled. I was able to observe that the individual was of average height, wearing dark clothing and a hooded sweatshirt. The hood of the sweatshirt was up, and I noticed some kind of design on the back. I was not able to identify the individual beyond those characteristics, and due to the quickness with which the individual took off, I don't believe any of the other guards on scene would have been able to identify the individual either. After the individual left, I surveyed the mobile mining crusher and noticed the words "WE ARE WATER" on the equipment. I then took notes of my observations on a yellow pad of paper, so that I would be better able to recall the specifics when drafting this report.

/s/ Charlie Baker

CHARLIE BAKER



Charlie Baker - Notes

6/20/17

3:30 a.m.

June 20, 2017

≈ 2:48 am

- average height
- dark clothing
- hooded Sweatshirt - hood up
  - Some kind of design on back
- mobile mining Crusher - "WE ARE WATER"

EXHIBIT

J

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