

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

**MIDWEST ENERGY EMISSIONS
CORP. and MES Inc.,**

Plaintiffs,

v.

ARTHUR J. GALLAGHER & CO., et al.,

Defendants.

PLAINTIFFS' EXHIBIT AND WITNESS LIST

C.A. No. 19-1334 (CJB)

PRESIDING JUDGE: Judge Christopher J. Burke	PLAINTIFFS' COUNSEL: Bradley W. Caldwell, Warren J. McCarty, III, Justin T. Nemunaitis, Daniel R. Pearson, James M. Lennon, Peter Akawie Mazur	COURT REPORTER: Deanna Warner
TRIAL DATE(S): 02/26/2024 - 03/01/2024	DEFENDANTS' COUNSEL: Kenneth L. Dorsney, Coirtlan S. Hitch, Jeffrey D. Dyess, Paul M. Sykes, Benn C. Wilson, Ashley M. Robinson, Jessica L Zurlo	COURTROOM DEPUTY: Deborah Benyo

PTX NO.	DTX NO.	DATE OFFERED	MARKED	ADMITTED	DESCRIPTION OF EXHIBITS* AND WITNESSES
1					U.S. Patent No. 10,343,114 ME2C-RC-00074475-ME2C-RC-00074508
2					U.S. Patent No. 10,589,225 ME2C-RC-00074509-ME2C-RC-00074543
3					U.S. Patent No. 10,596,517 ME2C-RC-00074544-ME2C-RC-00074586
4					U.S. Patent No. 10,668,430 ME2C-RC-00074587-ME2C-RC-00074629
5					U.S. Patent No. 8,168,147 ME2C-RC-00074819-ME2C-RC-00074843
6					File History U.S. Patent No. 10,343,114 ME2C-RC-00078239-ME2C-RC-00085966
15					U.S. Patent Application Ser. No. 12/201,595 filed on Aug. 29, 2008 (abandoned)
16					U.S. Patent Application Ser. No. 11/209,163 filed on Aug. 22, 2005 (now U.S. Pat. No. 7,435,286)
17					U.S. Provisional Application Ser. No. 60/605,640 filed on Aug. 30, 2004
19					U.S. Patent Application No. 14/318,270, filed on Jun. 27, 2014, now Pat. No. 9,757,689
20					U.S. Patent Application No. 13/966,768, filed on Aug. 14, 2013, now Pat. No. 8,821,819
21					U.S. Patent Application No. 13/427,665, filed on Mar. 22, 2012, now Pat. No. 8,512,655

EXHIBIT AND WITNESS LIST - CONTINUATION

PTX NO.	DTX NO.	DATE OFFERED	MARKED	ADMITTED	DESCRIPTION OF EXHIBITS* AND WITNESSES
22					U.S. Patent Application No. 12/419,219, filed on Apr. 6, 2009, now Pat. No. 8,168,147
24					U.S. Patent Application Ser. No. 15/974,343, filed May 8, 2018
25					U.S. Patent Application Ser. No. 15/951,970, filed Apr. 12, 2018
26					U.S. Patent Application Ser. No. 14/712,558, filed May 14, 2015, now Pat. No. 10,589,225
39					U.S. Patent No. 10,343,114 (15/978,760) Assignment ME2C-RC-00074717-ME2C-RC-00074725
40					U.S. Patent No. 10,343,114 (15/978,760) Assignment ME2C-RC-00074726-ME2C-RC-00074744
41					U.S. Patent Nos. 10,596,517 (15/997,091 and 10,668,430 (15/974,343) Assignment ME2C-RC-00074745-ME2C-RC-00074753
42					U.S. Patent Nos. 10,596,517 (15/997,091 and 10,668,430 (15/974,343) Assignment ME2C-RC-00074754-ME2C-RC-00074762
43					U.S. Patent Nos. 10,596,517 (15/997,091 and 10,668,430 (15/974,343) Assignment ME2C-RC-00074763-ME2C-RC-00074771
44					U.S. Patent Nos. 10,596,517 (15/997,091 and 10,668,430 (15/974,343) Assignment ME2C-RC-00074772-ME2C-RC-00074781
45					U.S. Patent Nos. 8,168,147 (12/419,219) and 10,589,225 (14/712,558) Assignment (Corrective) ME2C-RC-00074782-ME2C-RC-00074794
46					U.S. Patent Nos. 10,596,517 (15/997,091 and 10,668,430 (15/974,343) Assignment (Corrective) ME2C-RC-00074795-ME2C-RC-00074806
47					U.S. Patent No. 10,343,114 (15/978,760) Assignment (Corrective) ME2C-RC-00074807-ME2C-RC-00074818
48					RLP Energy, Inc. Exclusive Patent and Know-How License Agreement Including Transfer of Ownership ME2C-RC-00070587-ME2C-RC-00070610
54					Closing Agreement re: Exclusive Patent and Know-How License Agreement Including Transfer of Ownership ME2C-RC-00070583-ME2C-RC-00070586
57					EPA Study of Hazardous Air Pollutant Emissions from Electric Utility Steam Generating Units - Final Report to Congress Volume 1 ME2C-RC-00051824-ME2C-RC-00052325
58					EERC Technology - Putting Research into Practice - Description of Test Facilities - Particulate Test Combustor - Grand Forks, North Dakota ME2C-RC-00052326-ME2C-RC-00052342
59					EERC Mercury Control Technologies for Electric Utilities Burning Lignite Coals - Introduction to Project Presentation for Conference Call ME2C-RC-00052343-ME2C-RC-00052365
64					Pilot - and Full-Scale Demonstration of Advanced Mercury Control Technologies for Lignite-Fired Power Plants Quarterly Report (for the Period October 1, 2003 - December 31, 2003) ME2C-RC-00052688-ME2C-RC-00052720
65					Pilot - and Full-Scale Demonstration of Advanced Mercury Control Technologies for Lignite-Fired Power Plants Final Report ME2C-RC-00052721-ME2C-RC-00052817

EXHIBIT AND WITNESS LIST - CONTINUATION

PTX NO.	DTX NO.	DATE OFFERED	MARKED	ADMITTED	DESCRIPTION OF EXHIBITS* AND WITNESSES
66					Mercury Control Technologies for Electric Utilities Burning Subbituminous Coals Final Report (For the period January 1, 2004 through June 30, 2005) ME2C-RC-00052818-ME2C-RC-00053004
67					Center for Air Toxic Metals (CATM) 2003 Research Ideas ME2C-RC-00053005-ME2C-RC-00053012
68					Info CATM Research Ideas Sept 2002 (metadata) ME2C-RC-00053013-ME2C-RC-00053013
69					Declaration of Thomas Erickson ME2C-RC-00053014-ME2C-RC-00053508
77					Larkwood Fuel Compan4 Refined Coal Facility Independent Engineering Technical Due Diligence Review by Sargent & Lundy for J.P.Morgan CERT-0017228-CERT-0017368
95					Email Dennis Beck to Jeff Green re: FW: Refined Coal Prospect's Questions Coletto_0039-Coletto_0039
96					Email Barr Linton to Alan Weiner RE: Draft of proposed chem mod amendment CERT-0034619-CERT-0034620
102					Spring Hill Resources Refined Coal Facility Located at the Big Cajun II Power Plant Independent Engineering Technical Due Diligence by Sargent Lundy for J.P. Morgan CERT-0023675-CERT-0023805
103					Letter Renee Collins to Air Permits Initial Review Team Texas Commission on Environmental Quality re: Air Quality Standard Permit for Pollution Control Projects CERT-0022114-CERT-0022190
125					Chem Mod MerSorb Safety Data Sheet ArborFuels_00067791-ArborFuels_00067800
193					REFINED COAL SALES AGREEMENT (Antelope Valley Station) between MARQUIS INDUSTRIAL COMPANY, LLC and BASIN ELECTRIC POWER COOPERATIVE CERT_0009823-CERT-0009886
196					REFINED COAL SALES AGREEMENT (Big Cajun II Generation Facility) between SPRING HILL RESOURCES, LLC and LOUISIANA GENERATING LLC CERT_0008315-CERT-0008368
199					REFINED COAL SALES AGREEMENT (Rush Island Project Generation Facility) between BUFFINGTON PARTNERS, LLC and UNION ELECTRIC COMPANY d/b/a AMEREN MISSOURI CERT_0008446-CERT-0008502
202					Amended and Restated Refined Coal Sales Agreement (WA Parish Generation Facility) between SENESCENCE ENERGY PRODUCTS, LLC, and NRG TEXAS POWER LLC CERT_0007346-CERT-0007400
205					REFINED COAL SALES AGREEMENT (Coletto Creek Power Station) between BASCOBERT (A) HOLDINGS, LLC and COLETO CREEK POWER, LLC CERT_0008039-CERT-0008137
208					AMENDED AND RESTATED REFINED COAL SALES AGREEMENT (Limestone Generation Facility) between RUTLEDGE PRODUCTS, LLC and NRG TEXAS POWER LLC CERT_0017134-CERT-0017189

EXHIBIT AND WITNESS LIST - CONTINUATION

PTX NO.	DTX NO.	DATE OFFERED	MARKED	ADMITTED	DESCRIPTION OF EXHIBITS* AND WITNESSES
211					AMENDED AND RESTATED REFINED COAL SALES AGREEMENT (Labadie Energy Center) between LARKWOOD ENERGY, LLC and UNION ELECTRIC COMPANY d/b/a AMEREN MISSOURI CERT_0008205-CERT-0008261
214					AMENDED AND RESTATED REFINED COAL SALES AGREEMENT (Laramie River Station) between COTTBUS ASSOCIATES, LLC and BASIN ELECTRIC POWER COOPERATIVE CERT_0008871-CERT-0008919
232					Email Barr Linton to Daniel Murray et al. re: Draft of proposed chem mod amendment CERT-0012805-CERT-0012805
235					Email Barr Linton to Thomas Ryan et al. RE: Draft of proposed chem mod amendment CERT-0034624-CERT-0034625
240					Settlement and License Agreement between Nalco Company LLC, Ecolab Inc., Hazelmere Research Ltd., Ecolab USA Inc., Nalco Holding Company, Nalco U.S. 2 Inc., Mobotec AB, LLC and Chem-Mod LLC, Arthur J. Gallagher & Co., Gallagher Clean Energy, LLC, AJG Coal GCE_00003117-GCE_00003144
241					U.S. Patent No. 7,507,083 ME2C-RC-00270658-ME2C-RC-0027066
242					U.S. Patent No. 7,468,170 SB_00055329-SB_00055329
243					License Agreement between CHEM-MOD LLC and Rutledge Products, LLC CERT-0006822-CERT-0006857
244					U.S. Patent No. 8,845,986
249					Chem Mod S-Sorb III Safety Data Sheet Arbor Fuels_00067779-ArborFuels_00067790
343					Amended and Restated License Agreement between CHEM-MOD, LLC and DTE Energy Resources, Inc. Belle_00072815-Belle_00072868
345					U.S. Patent No. 6,808,692 ME2C-RC-00246669-ME2C-RC-0024667
352					License Agreement between AJG Coal, INC. and Louisa Refined Coal, LLC REF-COAL_00000859-REF-COAL_00000888
353					License Agreement between CHEM-MOD LLC and Alistar Enterprises, LLC CERT_0006786-CERT_0006821
358					Midwest Energy Emissions Corp.'s Form 10-K for the Fiscal Year Ended December 31, 2014
359					Midwest Energy Emissions Corp.'s Form 10-K for the Fiscal Year Ended December 31, 2015
360					Midwest Energy Emissions Corp.'s Form 10-K for the Fiscal Year Ended December 31, 2016
446					FLASH Report FINAL (Spreadsheet) CERT-0039422-CERT-0039422
456					License Agreement AJG Coal, INC / Brandon Shores Coaltech LLC REF-COAL_00000413-REF-COAL_00000443
457					License Agreement AJG Coal, INC / AJG Iowa REF-COAL_00013694-REF-COAL_00013723
458					License Agreement AJG Coal, INC / Walter Scott Refined Coal LLC REF-COAL-00001606-REF-COAL-00001635

EXHIBIT AND WITNESS LIST - CONTINUATION

PTX NO.	DTX NO.	DATE OFFERED	MARKED	ADMITTED	DESCRIPTION OF EXHIBITS* AND WITNESSES
461					License Agreement Chem-Mod LLC / Spring Hill Resources Holdings LLC CERT-0009118-CERT-0009153
464					License Agreement Chem-Mod LLC / Arbor Fuels Company, LLC GCE_00000569-GCE_00000617
467					License Agreement Chem-Mod LLC / Bascobert Holdings LLC CERT_0008974-CERT_0009009
469					License Agreement Chem-Mod LLC / Buffington Partners, LLC CERT_0009010-CERT_0009045
471					License Agreement Chem-Mod LLC / Cottbus Associates LLC (Add amendments) CERT-0009046-CERT-0009081
479					License Agreement Chem-Mod LLC / Larkwood Energy LLC CERT-0009082-CERT-0009117
488					License Agreement Chem-Mod LLC / Senescence Energy Products LLC CERT-0006858-CERT-0006893
525					Letter Steven Dietrich (Wyoming Department of Environmental Quality) to Erin Fox Dukart re: Temporary Waiver wv-17029 Laramie River Station ME2C-RC-00277523-ME2C-RC-00277524
545					Senescence Energy Refined Coal Facility Independent Engineering Technical Due Diligence Review by Sargent & Lundy for J.P.Morgan (Green Ex. 2) CERT-0017480-CERT-0017589
580					Combustion Emissions Reduction Technologies, LLC Reduced Emissions Production Facilities (Schaatt Ex. 4) CERT-0021088-CERT-0021093
598					CERT Defendants' Objections and Responses to Plaintiffs' First Set of Requests for Admissions (Nos. 1-10) to Defendants
641					Reply Report of Philip Green- Reply Exhibit C-1 - REDACTED
642					Reply Report of Philip Green - Reply Exhibit C-2 - REDACTED
646					Reply Report of Philip Green - Reply Exhibit D-3 - REDACTED
685					Email Jeff Green to Leah Schaatt et al. re: FW: Limestone Production Questions from Enterprise CERT-0014763-CERT-0014765
688					Email Jeff Green to tfiddle@pathfindercap.com et al. re: FW: Potential investor question on Labadie Hg article CERT-0013695-CERT-0013696
689					Bascobert Energy Refined Coal Facility Located at the Coletto Creek Power Plant Independent Engineering Technical Due Diligence by Sargent & Lundy for J.P.Morgan CERT-0023407-CERT-0023540
690					Rutledge Products Refined Coal Facility Independent Engineering Technical Due Diligence by Sargent & Lundy for J.P.Morgan CERT-0017369-CERT-0017479
693					Email Barr Linton to Adam Korfhage et al. re: Request by Basin Electric CERT-0012785-CERT-0012785
710					Air Permit Routing/Approval SLIP-Permits - Louisiana Generating LLC - Big Cajun II Power Plant ME2C-RC-00279178-ME2C-RC-00279285
711					Missouri DNR Part 70 Permit to Operate - Ameren Missouri Rush Island Energy Center ME2C-RC-00278123-ME2C-RC-00278248

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.