

**STATE OF SOUTH DAKOTA
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
BOARD OF MINERALS & ENVIRONMENT**

IN THE MATTER OF CLEAN	)	
NUCLEAR ENERGY CORP.	)	
URANIUM EXPLORATION PERMIT	)	CLEAN NUCLEAR ENERGY
APPLICATION	)	CORP.'S MOTION TO EXPEDITE
	)	HEARING
	)	
EXNI 453	)	
	)	
	)	

Clean Nuclear Energy, Corp., through its attorney, Matthew E. Naasz of Gunderson, Palmer, Nelson & Ashmore, hereby submits this Motion to Expedite Hearing.

Pursuant to SDCL § 1-206-19 hereby moves this board to expedite the hearing process by receiving testimony and cross examination in written form. Should this board not to not determined to receive all testimony written form, applicant respectfully request this court allow for written direct examination of all witnesses, and cross examination of all witnesses via video conference.

Respectfully submitted this 16th day of June, 2026.

By: /s/ Matthew E. Naasz

Matthew E. Naasz
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CERTIFICATE OF SERVICE

I hereby certify on June 16, 2026, a true and correct copy of **CLEAN NUCLEAR ENERGY CORP.'S MOTION TO EXPEDITE HEARING** was served upon the following individuals as indicated below:

Brenda Binegar
Dept. of Agr. & Nat. Resources
523 E. Capitol Ave.
Pierre, SD 57601
brenda.binegar@state.sd.us
Secretary, Board of Minerals & Environment

Further, a true and correct copy of the above referenced document(s) was served by United States Mail, First Class, Postage Prepaid, upon:

Steven R. Blair
Deputy Attorney General, Minerals,
Mining, & Superfund Program
P.O. Box 6221
Rapid City, SD 57702

Cheryl Angel
1212 Columbus Street
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Intervenor

Elizabeth Lone Eagle
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Group – Sierra Club*

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Belle Fourche, SD 57717
*Hearing Chair - Brd. of
Min. & Env.*

By: /s/ Matthew E. Naasz
Matthew E. Naasz

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Clean Nuclear Energy, Corp., through its attorney, Matthew E. Naasz of Gunderson, Palmer, Nelson & Ashmore, hereby submits this brief in support of applicant's Motion to Expedite the Hearing via utilization of written testimony, audio visual devices and time limits on cross-examination.

INTRODUCTION

This matter began in 2024 when Clean Nuclear Energy, Corp. initially submitted the instant application to the South Dakota Board of Minerals and Environment. In over two years since that time, this matter has proceeded no further than the partial examination of one witness. On May 20, 2026, three days after the contested case matter in this matter began, the Board delayed the matter indefinitely. As of today's date, no new hearing dates have been scheduled. Applicant requests this Board recommence the hearing as soon as possible and issue an order requiring pre-filed written testimony, authorizing remote appearances by all parties and limiting cross-examination.

FACTS AND PROCEDURAL HISTORY

This application was deemed procedurally complete by South Dakota Department of Agriculture and Natural Resources in April of 2025. Pursuant to SDCL § 45-6D-28, the final decision on this matter must have been made by the Board no later than September of 2025.

Contrary to the statutes however, no final decision has been made, and the hearing on this matter has not been completed.

After numerous delays, the contested case hearing in this matter was scheduled to begin on May 18, 2026. The Board had previously granted a motion to hold the hearing in Hot Springs. Due to issues with the procedure for the hearing, testimony was not able to begin until Tuesday, May 19th. Applicant's first witness, Mike Blady, began his direct examination on Tuesday, May 19. Mr. Blady's cross-examination continued until late in the afternoon of Wednesday, May 20. At that time, following an executive session triggered by a federal lawsuit ¹ naming the Board of Minerals and Environment and Clean Nuclear Energy, Corp., as defendants, the Board indefinitely suspended the hearing on this matter. Mike Blady had not completed his cross-examination. In fact, the majority of the intervening parties had not begun cross-examining Mr. Blady.

The glacial pace of the hearing itself was not the only impediment to the matter proceeding forward efficiently. During the course of the hearing, several posters were placed on the seats of the applicant's representatives. *See* Affidavit of Matthew E. Naasz. These posters included threatening language that could have been made for no other purpose than to intimidate and harass the applicant and its witnesses. Additionally, a Facebook message on the Nexus Uranium Facebook page included threats to the officers of Nexus Uranium and their families. *See id.* Such an intimidating harassing environment prevents applicant from a fair hearing on this matter.

¹ The federal lawsuit requested a Temporary Restraining Order. On Thursday, May 21st, without hearing from any party, the Court denied the Temporary Restraining Order, finding that Plaintiff lacked standing. More than 21 days have passed since the Court's initial Order denying the Temporary Restraining Order, and no Amended Complaint has been filed attempting to remedy the standing issue. Clean Nuclear Energy has filed a Motion to Dismiss the federal lawsuit. There is no legal bar to this Board proceeding with the hearing on this matter.

I. This matter must be expedited.

State statute demands this matter be expedited. This Board has only the authority provided to it by statute. Statute requires that a final decision be provided within 120 days of the filing of a procedurally complete application. SDCL § 45-6D-28. The continued inability of this Board to render a final decision on this application strains the very authority of this Board. *See, Matter of Solid Waste Disposal Permit Application by the City of Sioux Falls*, 268 N.W.2d 599, 601 (“It is axiomatic that an administrative agency can only exercise the jurisdiction which has been delegated to it by the Legislature”). At this point, every available action must be pursued to expedite this matter.

II. Written direct testimony.

SDCL § 45-6D-28 provides in part that “The hearing shall be conducted in a manner pursuant to ch. 1–26.” SDCL § 1-26-19 sets forth the rules of evidence to be applied in contested cases. Subsection one of that section provides in part: “Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form [.]” This language allows this Board to authorize receipt of direct examination via written submission. Pre-filed written testimony is well known in South Dakota in administrative hearings. See A.R.S.D. 20:10:01:22.06 (“When ordered by the commission in a particular proceeding, testimony and exhibits shall be prepared in written form, filed with the commission, and served on all parties prior to the commencement of hearing [.]”).

As this Board is well aware, the hearing on this matter was finally scheduled and held for three days. During that time, only one witness was called to the stand. That witness did not complete cross-examination. There are over 30 parties to this proceeding, each with the ability to

call their own witnesses and engage in cross-examination. Given the pace of receiving evidence so far, this hearing could drag on for additional weeks of testimony. And the pace of testimony makes it nearly impossible to predict the amount of time necessary to complete the hearing.

By requiring that all direct testimony be received via written submission, the hearing on this matter could progress directly to cross-examination when the hearing resumes. Applicant respectfully requests that the Board require all direct testimony to be filed by written submission two weeks prior to the recommencement of the hearing. This will also help expedite the process as it relates to interpretive services. Any written direct testimony could be interpreted for anyone needing such service, and the proposed cross-examination could be composed and interpreted in advance of the witness taking the stand remotely to be cross-examined.

III. Virtual cross-examination.

Applicant also requests that this Board permit cross-examination via remote audio/visual communications. This Board utilizes audio/visual communications for its own use, and is accustomed to operating in this fashion. SDCL § 15-5A-1 sets out the parameters for conducting proceedings remotely. Those parameters could be easily implemented here. Allowing for cross-examination to be conducted via audio/visual means is an appropriate mechanism to efficiently move this matter forward. At this point, it is also critical to Applicant's ability to receive a fair hearing.

At the in-person hearing on this matter in May, threatening posters were placed on the seats of applicants' representatives, and in other locations in the theater. *See* Affidavit of Matthew E. Naasz and attachments. The Facebook inbox of Nexus Uranium received a threat to not only its officers, but their families as well. *See id.* Such activity is clearly unacceptable in a quasi-judicial proceeding. Applicants, their witnesses, and all other participants deserve the

ability to conduct these proceedings without apprehension for their safety, and without harassment for their testimony. Allowing witnesses and counsel to appear remotely via audio/visual means will allow all involved in these proceedings to participate without intimidation or harassment.

IV. Time limit on cross-examination.

As discussed above, this matter must be expedited in every possible manner. There are over 30 parties to this action. In receiving evidence in this matter “irrelevant, incompetent, immaterial, or unduly repetitious evidence *shall* be excluded.” SDCL § 1-26-19. Placing a reasonable time limit on parties’ cumulative cross-examination will promote efficiency, reduce the threat of introduction of irrelevant, incompetent, immaterial, and especially unduly repetitious evidence, is well-within the Board’s authority, and will not violate any parties’ due process rights. Reasonable limits on cross-examination have been upheld by the Courts. *See, e.g., T.M. v. District of Columbia*, 75 F.Supp.3d 233 (Dist. D.C. 2014); *U.S. v. Stanfield*, 360 F.3d 1346, 1359 (D.C. 2004).

Imposing a reasonable time limit on cross-examination will also ensure that this hearing moves diligently towards completion. After receiving pre-filed written direct examination, the schedule could be structured in such a manner as to move this hearing to a conclusion and final decision. A final decision that was statutorily mandated to have occurred months ago.

Applicant requests each witness be subject to cross-examination for a total of four hours. This will provide ample time for a development of a full and true disclosure of the facts. *See* SDCL § 1-26-19. Coupled with written pre-filed direct testimony, this reasonable restriction will expedite the matter in a fashion that appropriately balances the rights of the parties to full and

true disclosure of the facts, with the prohibition on introduction of irrelevant, incompetent, immaterial, or unduly repetitious evidence.

CONCLUSION

Applicant requests the Board enter an order expediting this matter as follows:

1. Order that all direct testimony be submitted in written form two weeks prior to the hearing; and,
2. Authorize all participants in the hearing to appear remotely; and,
3. Limit cumulative cross-examination of each witness to no more than four hours; and,
4. Schedule this hearing to recommence as quickly as possible.

Respectfully submitted this 16th day of June, 2026.

By: /s/ Matthew E. Naasz

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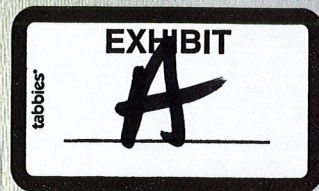
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Bob Morris
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P.O. Box 370
Belle Fourche, SD 57717
*Hearing Chair - Brd. of
Min. & Env.*

By: /s/ Matthew E. Naasz
Matthew E. Naasz

ived a Facebook inbox message directed toward Nexus Uranium that was somewhat threatening in nature and contained specific reference
h Messenger and was not posted publicly as a comment.
removed the messages at this time. We wanted to flag it internally first in case Nexus has a preferred protocol for handling this type of comm
o proceed.



Ngb King

Assign this conversation ▼



03:53



Yall suck, especially Jeremy. Do you know
your about to desecrate 8,000-7,000 years
worth of history with your mining operations
in South Dakota.

Add a personalised message. Try it

This inbox is not monitored. Please email Nexus
Uranium (CSE:NEXU | OTC:GIDMF | FRA:3H1) at
info@nexusuranium.com. Thank you!



Also I know your ceo, coo, and board
members by name. I also have a list of their
kin and relations regarding work and pleasure.
I'd advise u back down from further advances
with your operation before the people no
longer back you.

Marketing Inc.

12:26

Reply all

→ Forward



Search

EXHIBIT

B

tabbles

PROTECT
GOD'S
COUNTRY

THIS IS OUR
HOLY LAND

WE WILL LIVE
AND

THIS IS OUR
HOLY
WE V
AND

JESUS CHRIST OUR + KING +



NO
TOXIC
LIES

"I CAME THAT
THEY MAY HAVE
LIFE, AND HAVE
IT ABUNDANTLY."
— JOHN 1:10

HATES
URANIUM
POISONING

~~NEXUS~~
LIVING WATER
RESTORES OUR LAND
MAKES OUR HEALTH
STRONG OUR FUTURE

~~ONEC~~
LIVING WATER
RESTORES OUR LAND
MAKES OUR HEALTH
STRONG OUR FUTURE

WE BELIEVE IN THE
SPIRIT OF **1776**

★ TIME FOR ★
NEXUS AND CNEC
TO LEAVE TOWN
OR ELSE

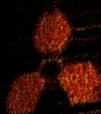
OUR LAND
OUR WATER
OUR FUTURE
NOT FOR SALE

NEXUS
CNEC



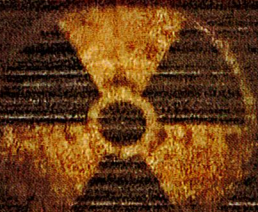
URANIUM POISONING DESTROYS FUTURES.

NEXUS AND CNEC DON'T CARE.
THEY PROFIT. OUR CHILDREN PAY.



URANIUM
EXPOSURE
CAN CAUSE:

- BIRTH DEFECTS
- CANCER
- KIDNEY FAILURE
- LUNG DAMAGE
- IMMUNE SYSTEM DAMAGE
- STUNTED GROWTH
- NEUROLOGICAL DAMAGE
- EARLY DEATH



NEXUS
URANIUM

CNEC
GRAVEN CANYON
MINING

POISONS OUR LAND.
POISONS OUR WATER.
POISONS OUR CHILDREN.



THEIR LEGACY IS DEATH AND DISEASE.

POISONED WATER

CONTAMINATED LAND

DESTROYED WILDLIFE

STOLEN FUTURES

WE WILL NOT
LET THIS HAPPEN HERE.

SAY NO TO
NEXUS AND CNEC

PROTECT OUR
FUTURE

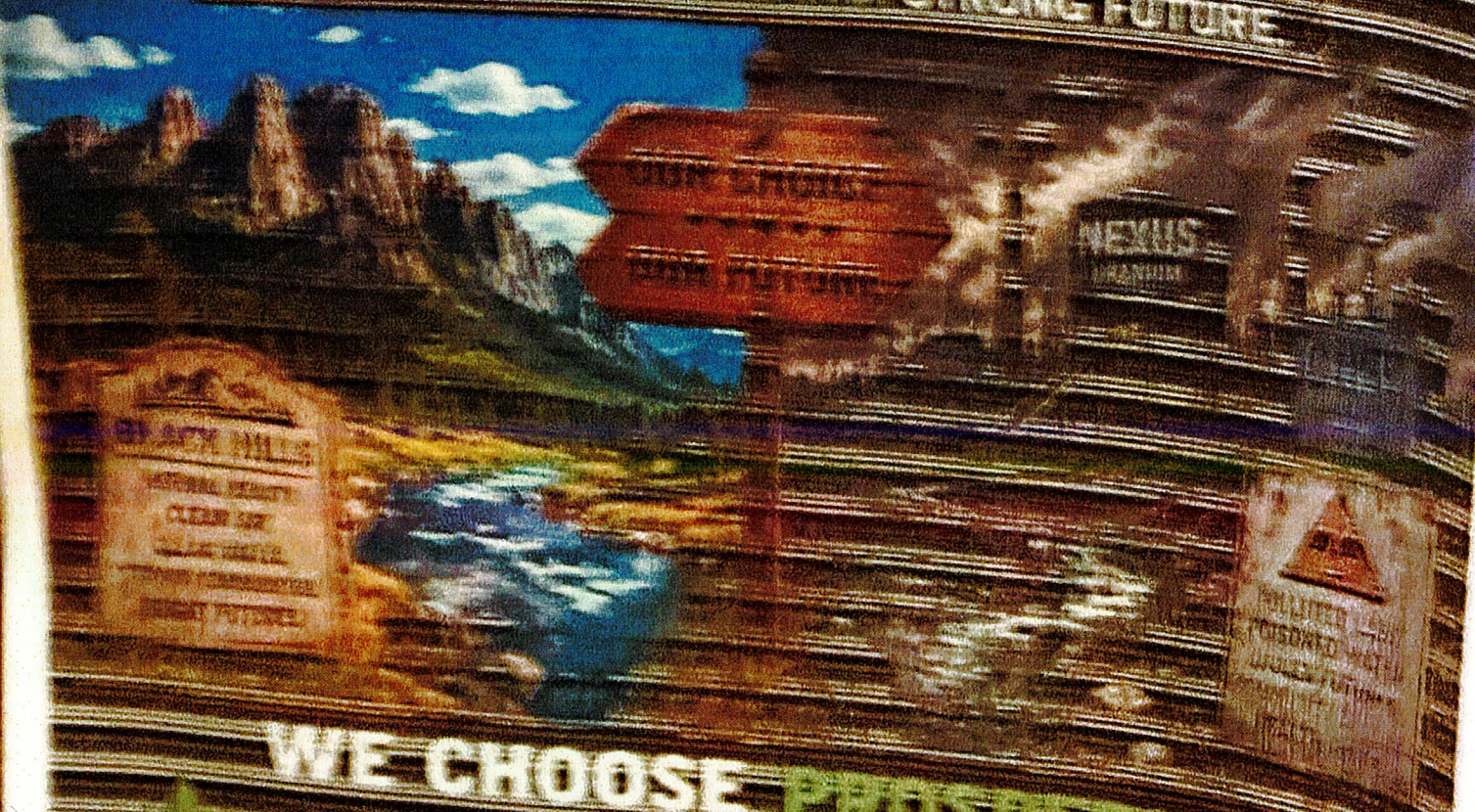
NEXUS CNEC

OUR CHILDREN A

LAND IS NOT FOR SALE.

KEEP OUR AREA PROSPEROUS NOT A POLLUTED POVERTY

BLACK HILLS, CLEAN LAND, STRONG FUTURE



WE CHOOSE PROSPERITY



CLEAN AIR



CLEAN WATER



HEALTHY
FAMILIES



STRONG
ECONOMY



PROTECT
OUR LAND



OUR HERITAGE
OUR FUTURE

FEED THE PEOPLE

KEEP THE BLACK HILLS

BLACK HILLS

BLACK HILLS

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BLACK HILLS

BLACK HILLS

BLACK HILLS

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AFFIDAVIT OF MATTEW E.
NAASZ

STATE OF SOUTH DAKOTA)
) ss
COUNTY OF PENNINGTON)

I, Matthew E. Naasz, being duly sworn upon my oath, depose and state as follows:

1. I am the attorney for Clean Nuclear Energy Corporation.
2. On May 20, 2026, I was personally handed a copy of a Summons and Complaint identifying Clean Nuclear Energy Corporation as a real party in interest and defendant.
3. During the course of the contested case hearing before the Department of Environment and Natural Resources and the Board of Minerals and Environment in Hot Springs, SD, the posters, attached hereto as Exhibit A, were placed on chairs occupied by representatives of Clean Nuclear Energy Corporation.
4. Attached as Exhibit B is a direct Facebook message sent to Nexus Uranium on May 19, 2026.

Dated this 16th day of June, 2026.

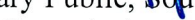


Matthew E. Naasz

STATE OF SOUTH DAKOTA)
) ss.
COUNTY OF PENNINGTON)

The above Affidavit of Matthew E. Naasz was subscribed and sworn to before me on June 16, 2026.

ANNA APPLGATE
NOTARY PUBLIC
SOUTH DAKOTA


 Notary Public, South Dakota
 My Commission Expires: 9/11/27

CERTIFICATE OF SERVICE

I hereby certify on June 16, 2026, a true and correct copy of **AFFIDAVIT OF MATTHEW E. NAASZ** was served upon the following individuals as indicated below:

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By: /s/ Matthew E. Naasz

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