

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

ADMINISTRATIVE PROCEEDING
File No. 3-21864

In the Matter of
Applied Minerals, Inc.,
Respondent.

JOINT STATEMENT REGARDING PREHEARING CONFERENCE

The Division of Enforcement (“Division”) and counsel for Respondent Applied Minerals, Inc. (“Respondent” or “Applied Minerals”), pursuant to Rule §201.221 of the SEC Rules of Practice, hereby provide the following information regarding the matters discussed and agreements reached during the parties’ prehearing conference conducted by telephone on Wednesday, May 15, 2024, commencing at 1:00 p.m. Participating on behalf of the Division were Samantha Williams and Gina Joyce. Participating on behalf of Respondent were Taylor Dana and William Eilers from the law firm of Smith Eilers, PLLC.

The following subjects were discussed and agreements reached:

(1) Simplification and clarification of the issues

The parties agreed that no issues could be simplified or clarified at this time.

(2) Exchange of witness and exhibit lists and copies of exhibits

The Division has produced documents as required by SEC Rule of Practice §201.230. The parties agreed that it was premature to exchange witness and exhibit lists at this time.

(3) Timing of expert witness disclosures and reports, if any

The parties agreed that a discussion concerning expert witnesses is premature at this time.

(4) Stipulations, admissions of fact, and stipulations concerning the contents, authenticity, or admissibility into evidence of documents

The parties agreed that no stipulations, admissions of fact or stipulations concerning the contents, authenticity or admissibility into evidence of documents are needed at this time.

(5) Matters of which official notice may be taken

The parties agreed that official notice may be taken of SEC filings in EDGAR.

(6) The schedule for exchanging prehearing motions or briefs, if any

Other than a Motion for Summary Disposition, the parties do not anticipate filing any prehearing motions or briefs.

(7) The method of service for papers other than Commission orders

The parties agreed to service by email.

(8) The filing of any motion pursuant to Rule 250

The Division anticipates that it will file a Motion for Summary Disposition (“MSD”) if the parties are unable to reach a settlement of this matter. The parties agreed that Respondent Applied Minerals will have 30 calendar days to file an Opposition to the MSD and the Division will have 30 calendar days to file a Reply. The agreement is without prejudice to any party’s right to file a motion with the Commission seeking additional time to file a brief.

(9) Settlement of any or all issues

The parties discussed settlement but did not reach an agreement.

(10) Determination of hearing dates

The parties agreed that a discussion concerning hearing dates is premature at this time.

(11) Amendments to the order instituting proceedings or answers thereto

Neither party anticipates amending their pleading.

(12) Production, and timing for completion of the production, of documents as set forth in Rule 230, and prehearing production of documents in response to subpoenas duces tecum as set forth in Rule 232

The Division has produced the documents required by Rule 230 (aside from Respondent's SEC filings, which are publicly available on EDGAR). Respondent does not anticipate producing any documents pursuant to Rule 230. The parties agreed that further discussion concerning the production of other documents is premature.

(13) Specification of procedures as set forth in Rule 202

Not applicable.

(14) Depositions to be conducted, if any, and date by which depositions shall be completed

The parties agreed that it is premature to discuss depositions at this time.

(15) Such other matters as may aid in the orderly and expeditious disposition of the proceeding

None anticipated.

Dated: May 20, 2024

Respectfully submitted,

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Respectfully submitted,

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