

No. DA _____

IN THE

Supreme Court of the State of MontanaMONTANA ENVIRONMENTAL INFORMATION CENTER, and SIERRA
CLUB,*Plaintiffs/Appellees,*

VS.

MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY,

Defendant,

AND

WESTERN ENERGY COMPANY,

*Defendant-Intervenor/Appellant.*ON APPEAL FROM THE MONTANA FIRST JUDICIAL DISTRICT COURT,
LEWIS AND CLARK COUNTY, HON. KATHY SEELEY, PRESIDING
CASE No. CDV-12-1075**NOTICE OF APPEAL**JOHN C. MARTIN (admitted *pro hac vice*)¹
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¹ Mr. Martin's application for full admission is pending before State Bar of Montana, with an anticipated admission date of March 1, 2018.

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NOTICE is given that Western Energy Company, the Appellant above-named and who is the Defendant-Intervenor in that cause of action filed in the Montana First Judicial District Court, Lewis and Clark County, as Cause No. CDV 2012-1075, hereby appeals to the Supreme Court of the State of Montana from the Memorandum and Order dated March 14, 2015, the Judgment entered in such action on the August 25, 2016. Western Energy Company's Notice of Appeal from that Judgment was filed with this Court on September 23, 2016. Because the issue of attorneys' fees had not been decided at that time, this Court dismissed that appeal on October 25, 2016. (*See* Order, Case DA 16-0562, attached as Exhibit A). The issue of attorneys' fees was resolved in a Stipulated Judgment By Consent Decree and Order entered January 25, 2018. Western Energy Company now timely appeals from the Memorandum and Order dated March 14, 2015 and the Judgment entered in such action on the August 25, 2016.

THE APPELLANT FURTHER CERTIFIES:

1. That this appeal is not subject to the mediation process required by Mont. R. App. P. 7.
2. That this appeal is not an appeal from an order certified as final under Mont. R. Civ. P. 54(b).

3. That all available transcripts of the proceedings in this cause have been ordered from the court reporter contemporaneously with the filing of this Notice of Appeal.

4. That included herewith is the filing fee prescribed by statute.

Dated: February 20th, 2018.



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CERTIFICATE OF SERVICE

I, William W. Mercer, hereby certify that I have served true and accurate copies of the foregoing Notice - Notice of Appeal to the following on 02-20-2018:

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