

No. DA 18-0110

IN THE

Supreme Court of the State of Montana

MONTANA ENVIRONMENTAL INFORMATION CENTER, and SIERRA CLUB,

Plaintiffs/Appellees,

vs.

MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY,

Defendant/Appellant

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

AFFIDAVIT OF VICTORIA A. MARQUIS

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by visiting the website <http://www.donlinrecano.com/westmoreland> maintained by the Debtors' noticing and claims agent, Donlin Recano & Company, Inc.

5. Counsel for Western Energy anticipates that Western Energy will be able to continue pursuing this appeal. However, in order to assure compliance with various provisions of the Bankruptcy Code and to coordinate with bankruptcy counsel, Western Energy respectfully requests that the Court grant Western Energy and the Department of Environmental Quality until January 11, 2019 to file their Reply Brief. Western Energy has exercised, and will continue to exercise, diligence throughout the extension to ensure proper compliance with the Bankruptcy Code, appropriate coordination with bankruptcy counsel, and completion of the Reply Brief. The Chapter 11 Cases have created substantial need for the extension.

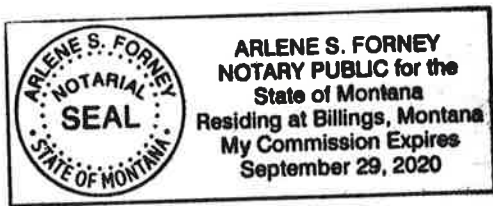
6. Western Energy has sought Appellee MEIC and Sierra Club's position and they concur in the request stating:

Appellees do not oppose Western Energy's motion. Appellees do not believe that the automatic bankruptcy stay applies to this case, but they see no harm in Western Energy's asking the bankruptcy to confirm this. Appellees may file papers in the bankruptcy proceeding indicating their support for allowing the instant case to proceed.

Western Energy has sought Appellant DEQ's position, and DEQ does not oppose the extension.


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*Counsel for Appellant
Western Energy Company*

This record was acknowledged before me on October 17, 2018, by
Victoria A. Marquis.



Catherine S. Jovey
(Signature of notarial officer)
[Affix seal/stamp as close to signature as possible]