

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

**NOTICE OF BANKRUPTCY FILING
AND MOTION FOR EXTENSION**

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Appellant Western Energy Company respectfully requests an extension of their Reply Brief due date to January 11, 2019. The extension is necessary because Westmoreland Coal Company and certain of its affiliates filed voluntary petitions for relief under chapter 11 of title 11 of the United States Code, 11 U.S.C. §§ 101—1532 (the “Bankruptcy Code”), in the United States Bankruptcy Court for the Southern District of Texas. Appellant, Western Energy Company, is among the affiliates filing a petition for relief.

Counsel for Western Energy anticipates that Western Energy will be able to continue pursuing this appeal. However, in order to assure compliance with 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 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.

A proposed order is attached.

Dated this 17th day of October, 2018.

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CERTIFICATE OF SERVICE

I, Victoria A. Marquis, hereby certify that I have served true and accurate copies of the foregoing Notice - Bankruptcy Proceeding to the following on 10-17-2018:

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Dated: 10-17-2018