

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

**UNOPPOSED JOINT MOTION FOR 14-DAY EXTENSION OF TIME TO
FILE OBJECTIONS TO PETITION FOR REHEARING**

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Pursuant to Montana Rule of Appellate Procedure 26(1), Appellant Westmoreland Rosebud Mining LLC, formerly Western Energy Company (“Western Energy Company”) and Appellant Montana Department of Environmental Quality (“DEQ”) respectfully move this Court for a 14-day extension of time to respond to the Petition for Rehearing filed by Plaintiffs-Appellees Montana Environmental Information Center and Sierra Club. Appellants have contacted counsel for Appellees, and Appellees do not oppose this motion.

After receiving a 14-day extension, Appellees filed a Petition for Rehearing on October 10, 2019. On October 15, 2019, amici briefs were filed in support of Appellees’ Petition.

Pursuant to Montana Rule of Appellate Procedure 20(2)(b), Appellants’ Objections to the Petition for Rehearing would be due on October 25, 2019. Like Appellees did, Appellants request a 14-day extension, making their Objections due on November 8, 2019.

The 14-day extension is necessary to accommodate previously planned, multi-day, out-of-state travel by all of Western Energy Company’s attorneys between now and October 25, 2019. The travel and other looming litigation deadlines inhibit Western Energy Company’s ability to adequately coordinate research, drafting, and review of their Objection. Counsel for Western Energy

Company is exercising diligence in this matter, and having reviewed the Petition for Rehearing and brief in support, will respond no later than November 8, 2019.

The DEQ joins this request for 14-day extension because additional time is necessary for DEQ counsel to accommodate pre-existing litigation and administrative deadlines. Counsel for DEQ will respond to the Conservation Groups' Petition for Rehearing and supporting briefs on or before November 8, 2019.

For the foregoing reasons, Appellants respectfully request a 14-day extension, up to and including Friday, November 8, 2019, to file Objections to the Petition for Rehearing.

Respectfully submitted this 16th day of October, 2019.

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CERTIFICATE OF SERVICE

I, Victoria A. Marquis, hereby certify that I have served true and accurate copies of the foregoing Motion - Unopposed - Extension of Time - File Response/Objection to the following on 10-16-2019:

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Electronically signed by Arlene Forney on behalf of Victoria A. Marquis
Dated: 10-16-2019