

IN THE SUPREME COURT OF THE STATE OF MONTANA

Supreme Court Case No. _____

MONTANA ENVIRONMENTAL INFORMATION CENTER and SIERRA CLUB,

Plaintiffs / Appellees,

v.

WESTERN ENERGY CO., NATURAL RESOURCE PARTNERS, L.P.,
INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 400, and
NORTHERN CHEYENNE COAL MINERS ASSOCIATION,

Respondent-Intervenors / Appellants.

*On Appeal From The Sixteenth Judicial District Court,
Rosebud County, Hon. Katherine M. Bidegaray, Presiding
Cause No. DV 19-34*

NOTICE OF APPEAL

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Attorneys for Respondent-Intervenors / Appellants Westmoreland Rosebud Mining, LLC f/k/a Western Energy Co., Natural Resource Partners, L.P., International Union of Operating Engineers, Local 400, and Northern Cheyenne Coal Miners Association

Pursuant to Rule 6(1)(3)(e) and (h), Mont. R. App. P., NOTICE IS GIVEN that Westmoreland Rosebud Mining, LLC, f/k/a Western Energy Co., Natural Resource Partners, L.P., International Union of Operating Engineers, Local 400, and Northern Cheyenne Coal Miners, (together, Appellants), which are Intervenor-Respondents in that cause of action filed in the Sixteenth Judicial District, in and for the County of Rosebud as Cause No. DV 2019-34, hereby appeal to the Supreme Court of the State of Montana the District Court's January 28, 2022 Order on Remedy and Stay vacating Appellants' mine permit, together with all rights and obligations appurtenant thereto, and enjoining Appellants from conducting mining and reclamation operations effective April 1, 2022, and denying stay of the same pending appeal.

APPELLANTS FURTHER CERTIFY:

1. This appeal is not subject to the mediation process required by M. R. App. P. 7.
2. This appeal does not implicate M. R. Civ. P. 54(b).
3. Transcripts have been ordered from the District Court.
4. That included herewith is the filing fee prescribed by statute.

Dated this 4th day of February 2022.

WESTMORELAND ROSEBUD MINING, LLC

/s/ John C. Martin

John C. Martin

Samuel R. Yemington

Kyle Gray

Victoria A. Marquis

HOLLAND & HART LLP

Attorneys for Appellants/Intervenors

CERTIFICATE OF SERVICE

I hereby certify that I have filed a true and accurate copy of the foregoing NOTICE OF APPEAL with the Clerk of the Montana Supreme Court; and that I have served true and accurate copies of the foregoing NOTICE OF APPEAL upon the Clerk of the District Court, each attorney of record, and each party not represented by an attorney in the above-referenced District Court action, as follows:

Elizabeth T. Ball Clerk of District Court Montana Sixteenth Judicial District, Rosebud County 1200 Main Street P.O. Box 48 Forsyth, MT 59327 clerkofcourt.rosebud@mt.gov	<input type="checkbox"/> U.S. Mail, postage prepaid <input checked="" type="checkbox"/> Electronic Mail <input type="checkbox"/> Facsimile Transmission <input type="checkbox"/> Personal Delivery
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Walton D. Morris, Jr. Morris Law Office, P.C. 1901 Pheasant Lane Charlottesville, VA 22901 wmorris@fastmail.net	<input type="checkbox"/> U.S. Mail, postage prepaid <input checked="" type="checkbox"/> Electronic Mail <input type="checkbox"/> Facsimile Transmission <input type="checkbox"/> Personal Delivery
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Dated this 4th day of February, 2022.

/s/ Trisa J. DiPaola
Trisa J. DiPaola, Legal Specialist
Holland & Hart LLP

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CERTIFICATE OF SERVICE

I, John C. Martin, hereby certify that I have served true and accurate copies of the foregoing Notice - Notice of Appeal to the following on 02-04-2022:

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Dated: 02-04-2022