

IN THE SUPREME COURT OF THE STATE OF MONTANA  
No. DA 22-0064

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MONTANA ENVIRONMENTAL INFORMATION CENTER and SIERRA CLUB,

*Plaintiffs / Appellees,*

v.

MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY,

*Respondent / Appellant,*

and

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

*Respondent-Intervenors / Appellants,*

and

MONTANA BOARD OF ENVIRONMENTAL REVIEW

*Respondent / Appellant*

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**UNOPPOSED JOINT MOTION FOR EXTENSION OF TIME  
TO FILE OPENING BRIEFS**

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On Appeal from the Montana Sixteenth Judicial District Court, Rosebud County,  
Cause No. DV 19-34, the Honorable Katherine M. Bidegaray Presiding

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Nicholas A. Whitaker  
Jeremiah Langston  
Staff Attorneys  
Department of Environmental Quality  
P.O. Box 200901  
Helena, Montana 59620-0901  
(406) 444-2544  
nicholas.whitaker@mt.gov  
Jeremiah.langston2@mt.gov

*Counsel for Respondent/Appellant  
Montana Department of  
Environmental Quality.*

John C. Martin  
Samuel R. Yemington  
Kyle Gray  
Victoria A. Marquis  
HOLLAND & HART LLP

*Counsel for Appellants/Respondent-  
Intervenors Westmoreland Rosebud  
Mining, LLC, Natural Resource  
Partners, L.P., International Union of  
Operating Engineers, Local 400,  
Northern Cheyenne Coal Miners  
Association.*

The Respondent/Appellant Montana Department of Environmental Quality (“DEQ”) and Respondent/Appellant Westmoreland Rosebud Mining, LLC, *et al.* (“Westmoreland”) (collectively, “Joint Movants”) respectfully request a 30-day extension of time until August 10, 2022, in which to prepare, serve, and file their opening briefs in the above-entitled matter. Their opening briefs are presently due on July 11, 2022, and this is DEQ’s first extension request.<sup>1</sup> Joint Movants also request that Respondent/Appellant Montana Board of Environmental Review (“BER”) opening brief be due the same date: August 10, 2022.

This motion is made due to the heavy workload under which the undersigned is presently working, making an extension of time necessary to properly research, consider, and brief the issues within the time allotted. Counsel for the BER and Petitioner/Appellees Montana Environmental Information Center and Sierra Club (collectively, “MEIC”) have been contacted concerning this motion and they do not object.

A proposed order granting Joint Movants’ motion is filed concurrently. For these reasons, Joint Movants respectfully request that its motion be granted.

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<sup>1</sup> Westmoreland previously filed for a motion for extension for its opening brief in Docket DA 22-0068, but the effect of that motion was overtaken by this Court temporally staying that appeal in its March 30, 2022, order.

Respectfully submitted this 30th day of June, 2022.

/s/ Jeremiah Langston

JEREMIAH LANGSTON

*Counsel for Respondent/Appellant Montana  
Department of Environmental Quality.*

/s/ Samuel R. Yemington

SAMUEL R. YEMINGTON

*Counsel for Appellants/Respondent-  
Intervenors Westmorland Rosebud Mining,  
LLC, Natural Resource Partners, L.P.,  
International Union of Operating Engineers,  
Local 400, Northern Cheyenne Coal Miners  
Association.*

## **CERTIFICATE OF SERVICE**

I, Jeremiah Radford Langston, hereby certify that I have served true and accurate copies of the foregoing Motion - Unopposed to the following on 06-30-2022:

John C. Martin (Attorney)

P.O. Box 68

645 S. Cache Street

Suite 100

Jackson WY 83001

Representing: International Union of Operating Engineers, Local, Natural Resource Partners, L.P.,  
Northern Cheyenne Coal Miners Association, Westmoreland Rosebud Mining LLC

Service Method: eService

Samuel R. Yemington (Attorney)

2515 Warren Avenue

Suite 450

P.O. Box 1347

Cheyenne WY 82003-1347

Representing: International Union of Operating Engineers, Local, Natural Resource Partners, L.P.,  
Northern Cheyenne Coal Miners Association, Westmoreland Rosebud Mining LLC

Service Method: eService

Victoria A. Marquis (Attorney)

401 North 31st Street

Suite 1500

P.O. Box 639

Billings MT 59103-0639

Representing: International Union of Operating Engineers, Local, Natural Resource Partners, L.P.,  
Northern Cheyenne Coal Miners Association, Westmoreland Rosebud Mining LLC

Service Method: eService

Kyle Anne Gray (Attorney)

P.O. Box 639

Billings MT 59103

Representing: International Union of Operating Engineers, Local, Natural Resource Partners, L.P.,  
Northern Cheyenne Coal Miners Association, Westmoreland Rosebud Mining LLC

Service Method: eService

Amy D. Christensen (Attorney)

314 N. Last Chance Gulch, Suite 300

Helena MT 59601  
Representing: Montana Board of Environmental Review  
Service Method: eService

Nicholas A. Whitaker (Attorney)  
Department of Environmental Quality  
Director's Office  
1520 E Sixth Avenue  
Helena MT 59601  
Representing: Environmental Quality, Montana Department of  
Service Method: eService

Shiloh Silvan Hernandez (Attorney)  
313 East Main Street  
Bozeman MT 59772  
Representing: Montana Environmental Information Center, Sierra Club  
Service Method: eService

Roger M. Sullivan (Attorney)  
345 1st Avenue E  
MT  
Kalispell MT 59901  
Representing: Montana Environmental Information Center, Sierra Club  
Service Method: eService

Derf L. Johnson (Attorney)  
PO Box 1184  
Helena MT 59624  
Representing: Montana Environmental Information Center, Sierra Club  
Service Method: eService

Robert L. Sterup (Attorney)  
315 North 24th Street  
,

Billings MT 59101  
Representing: Talen Montana, LLC  
Service Method: eService

J. Stuart Segrest (Attorney)  
314 N. Last Chance Gulche, Suite 300  
Helena MT 59601  
Representing: Montana Board of Environmental Review  
Service Method: eService

Walton Davis Morris (Attorney)  
1901 Pheasant Lane  
Charlottesville VA 22901  
Representing: Montana Environmental Information Center, Sierra Club  
Service Method: E-mail Delivery

Electronically signed by Catherine Ann Armstrong on behalf of Jeremiah Radford Langston  
Dated: 06-30-2022