

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 22-0064

MONTANA ENVIRONMENTAL INFORMATION CENTER and SIERRA CLUB,

Plaintiffs and Appellees,

vs.

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

Respondent-Intervenors and Appellants,

and

MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY,

Respondent and Appellant,

and

MONTANA BOARD OF ENVIRONMENTAL REVIEW,

Respondent and Appellant.

**DECLARATION OF SHILOH HERNANDEZ IN SUPPORT OF MOTION
FOR EXTENSION OF TIME**

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

I, Shiloh Hernandez, declare:

1. I am counsel for Plaintiffs-Appellees Montana Environmental Information Center and Sierra Club (Conservation Groups) in this case.
2. My co-counsel and I have exercised diligence in preparing our response brief. Together we have spent many hours reviewing, researching, outlining, drafting, and editing the response brief. A substantial portion of the brief is written but requires editing.
3. Despite our efforts, significant time is still required to fully address the many issues raised by appellants. Appellants have filed three briefs, which together total more than 130 pages and 30,000 words. While there is some overlap among the briefs, each brief also raises distinct issues. Together appellants raise at least 11 discrete issues related to a preliminary ruling on a motion to dismiss, the merits, the remedy, and the award of costs and attorneys' fees.
4. To respond fully to these briefs will require close review of extensive records from the district court and the administrative agency. Additional time will be required to edit the brief to meet the 15,000-word limit. The Conservation Groups will file their response brief within the time requested.

Pursuant to § 1-6-105, MCA, I declare under penalty of perjury that the foregoing is true and correct.

/s/ Shiloh Hernandez
Shiloh Hernandez

Dated: September 30, 2022, Livingston, Montana.