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| DISTRICT COURT, CITY AND COUNTY OF DENVER, COLORADO City and County Building 1437 Bannock Street Denver, CO 80202 | <p style="text-align: center;">▲ COURT USE ONLY ▲</p> |
| Plaintiff/Appellant: POWERTECH (USA) INC., a South Dakota Corporation; v. Defendant/Appellee: STATE OF COLORADO MINED LAND RECLAMATION BOARD; and Defendant-Intervenors: COLORADOANS AGAINST RESOURCE DESTRUCTION; TALLAHASSEE AREA COMMUNITY, INC.; and SHEEP MOUNTAIN ALLIANCE. | |
| Attorneys for Plaintiff: John D. Fognani, Atty. Reg #8280 Michael T. Hegarty, Atty. Reg #32073 Kendall R. McLaughlin, Atty. Reg. #39574 Paul G. Buchmann, Atty. Reg. #41006 FOGNANI & FAUGHT, PLLC 1801 Broadway, Suite 800 Denver, CO 80202 Telephone: 303-382-6200 Facsimile: 303-382-6210 Email: jfognani@fognanilaw.com mhegarty@fognanilaw.com kmclaughlin@fognanilaw.com pbuchmann@fognanilaw.com | Case Number: 2010 CV 8615 Div.: Ctrm: 215 |
| AFFIDAVIT OF REBECCA ZISCH | |

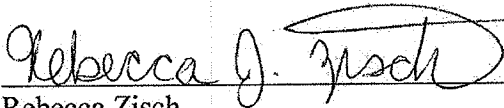
STATE OF WYOMING)
)
COUNTY OF Albany)

I, Rebecca Zisch, being first duly sworn on oath, depose and state as follows:

1. I am over the age of 18 and I have personal knowledge of the facts stated herein.
2. I am a second year law student at the University of Wyoming College of Law and worked as a summer law clerk for Fognani & Faught, PLLC ("the Firm") in 2012.

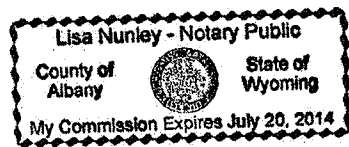
3. I became aware through my summer clerkship work for the Firm that a signed order by Judge Habas had never been issued in the above-captioned case, and as a result I was asked to inquire about the matter with the Denver District Court Clerk.
4. Sometime between August 6th and 9th, 2012, and during the course of my employment, I contacted the Denver County District Court Clerk and the clerk for courtroom 215, Judge Habas' courtroom, to inquire about whether a signed order existed in the file for the Powertech matter.
5. The clerk of the Denver District Court informed me that the order in the file did not bear Judge Habas' signature or any other signature and that only an unsigned order existed in the case file and that the unsigned order is the same order that was posted by the court on Lexis/Nexis.

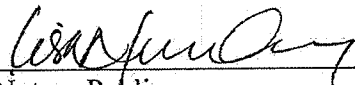
Further Affiant Sayeth Naught.


Rebecca Zisch

SUBSCRIBED AND SWORN to before me this 29 day of October, 2012 by Rebecca Zisch.

WITNESS my hand and official seal.




Notary Public

My Commission Expires: 7/20/2014