

GRANTED WITH AMENDMENTS

Movant shall serve copies of this ORDER on any pro se parties, pursuant to CRCP 5, and file a certificate of service with the Court within 10 days.

Dated: Feb 27, 2012

Anstman Halas

Christina M. Habas District Court Judge

DATE OF ORDER INDICATED ON ATTACHMENT

Ctrm: 215

DISTRICT COURT, CITY AND COUNTY OF DENVER, COLORADO

City and County Building 1437 Bannock Street Denver, CO 80202

Plaintiff: POWERTECH (USA) INC., a South

Dakota Corporation;

v.

Defendant: 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

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Case Number: 2010 CV 8615

Div.:

Plaintiff Powertech (USA) Inc., Defendant State of Colorado Mined Land Reclamation Board and Defendant-Intervenors Coloradoans Against Resource Destruction; Tallahassee Area Community, Inc.; and Sheep Mountain Alliance (collectively referred to herein as "Parties"), by and through their respective undersigned counsel, hereby move this Court for an Order modifying the briefing schedule in Rule 31 of the Colorado Rules of Appellate Procedure in the above-styled case. The parties make this request in light of the following considerations:

JOINT MOTION FOR MODIFIED BRIEFING SCHEDULE

1. The Certified Record in this case was filed on January 27, 2012. The Colorado Rules of Appellate Procedure Rule 31 establishes a briefing schedule upon the filing of the record. According to Rule 31, Plaintiff's have 42 days to file their opening brief, Defendants have 35 days to file any answering brief and Plaintiff has 21days to file a reply.

- 2. The Parties recognize that the Certified Record in this case is voluminous and have agreed that additional time for submitting their respective briefs is beneficial to all of the Parties.
- 3. The Parties have agreed to the following briefing schedule, which is to be calculated from January 27, 2012, the date the Certified Record was filed with this Court:
 - a. Powertech's opening brief: filed seventy-five (75) days after the record is filed;
 - b. Answering briefs of Defendant and Defendant-Intervenors: filed within forty-four (44) days after service of Powertech's opening brief;
 - c. Powertech's reply brief: filed within twenty-one (21) days after service of the answering briefs.
- 4. The Parties further agree that the modified briefing schedule is reasonable and will not substantially delay resolution of the case.

WHEREFORE, the Parties respectfully request an Order from this Court granting the parties Joint Motion for Modified Briefing Schedule that incorporates the schedule set out in paragraph (3) above.

Respectfully submitted,

s/John D. Fognani

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Attorneys for Plaintiff

s/Jeff M. Fugate

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s/ Jeffrey C. Parsons

Jeffrey C. Parsons Roger Flynn Western Mining Action Project Lyons, Colorado 80540 Attornevs for Defendant-Intervenor

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of February 2012, a true and correct copy of the foregoing Joint Motion for Modified Briefing Schedule was filed with the Court and served via LexisNexis File & ServeTM upon the following:

Jeff M. Fugate, Esq., Assistant Attorney General Steven Nagy, Esq., Assistant Attorney General Office of the Colorado Attorney General 1525 Sherman Street, 7th Floor Denver, Colorado 80203

Jeffrey C. Parsons, Esq. Roger Flynn, Esq. Western Mining Action Project P.O. Box 349 Lyons, Colorado 80540

Travis E. Stills, Esq. Energy Minerals Law Center 1911 Main Ave., Suite 238 Durango, Colorado 81301



In accordance with C.R.C.P. 121 §1-26(7), a printed or printable copy of this document with original or scanned signatures is maintained by the filing party and will be made available for inspection by the other parties or the Court upon request.

This document constitutes a ruling of the court and should be treated as such.

Court: CO Denver County District Court 2nd JD

Judge: Christina M Habas

File & Serve

Transaction ID: 42700620

Current Date: Feb 27, 2012

Case Number: 2010CV8615

Case Name: POWERTECH USA INC vs. ST OF COLO MINED LAND RECLAMATION BOARD et

al

Court Authorizer: Christina M Habas

Court Authorizer Comments:

The Court accepts the modified briefing schedule, and GRANTS this Motion. However, the Court will not consider any modification of these deadlines.

/s/ Judge Christina M Habas