

APPROVED 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: Dec 20, 2011

William W. Hood III **District Court Judge**

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;

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

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Kendall R. McLaughlin, Atty. Reg. #39574

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DATE OF ORDER INDICATED ON ATTACHMENT CO Denver County District Court 2nd JD Filing Date: Dec 20 2011 3:30PM MST

Filing ID: 41500162

Review Clerk: Nancy E Magdaleno

▲ COURT USE ONLY ▲

Case Number: 2010 CV 8615

Div.:

Ctrm: 215

PLAINTIFF POWERTECH (USA) INC.'S RESPONSE TO ORDER TO SHOW CAUSE

Plaintiff, Powertech (USA) Inc. ("Powertech"), by its undersigned counsel, hereby files its response to the Court's Order to Show Cause dated November 18, 2011, and states as follows:

- This Court has requested Powertech to show cause why it has not acted to certify the record to be filed with the clerk of the court.
- Powertech filed a Complaint on November 1, 2010 seeking judicial review, pursuant to the Colorado Administrative Procedure Act, of the new Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for Hard Rock, Metal and Designated Mining Operations that were adopted by the Colorado Mined Land Reclamation Board on August 12, 2010 and effective on September 30, 2010.

- 3. Since filing its complaint and, as a result of the rules that went into effect on September 30, 2010, Powertech has been forced due to economic circumstances including certain unforeseen and unexpected events caused by or associated with the tragic nuclear incident at Fukushima Daiichi to focus its efforts and allocate its funds in pursuing a license for and in effecting the operations of its in situ uranium project in South Dakota known as Dewey Burdock.
- 4. Following this period of transition, Powertech is now prepared to cause the record in this matter to be filed with the clerk of the court. Due to the extensive administrative proceedings that predated this court action, Powertech wishes to advise the court that the administrative record is voluminous. That being the case, Powertech anticipates an adequate time period of four to six weeks may be necessary for the preparation and filing of the record and assures the court that it is now in the position of being able to complete this process.

WHEREFORE, Plaintiff Powertech (USA) Inc., respectfully requests that the Court not dismiss this case without prejudice and grant Powertech additional time to cause the certified record to be filed with the clerk of the court.

Dated this 16th day of December 2011.

Respectfully submitted,

/s John D. Fognani

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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of December 2011, a true and correct copy of Plaintiff Powertech (USA) Inc.'s Response to Order to Show Cause 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

/s Kimberly	L. Wise

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: William W Hood

File & Serve

Transaction ID: 41451074

Current Date: Dec 20, 2011

Case Number: 2010CV8615

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

al

Court Authorizer: William W Hood III

Court Authorizer Comments:

Plaintiff's request for additional time to file the certified record is approved. Plaintiff shall file the record with this court no later than January 27, 2012, failing which will result in dismissal without prejudice.

/s/ Judge William W Hood III