DISTRICT COURT, CITY AND COUNTY OF		
DENVER, COLORADO		
City and County Building		
1437 Bannock Street		
Denver, CO 80202	• :	
Plaintiff/Appellant: POWERTECH (USA) INC.,		
a South Dakota Corporation;		
v.		
Defendant/Appellee: STATE OF COLORADO		
MINED LAND RECLAMATION BOARD;	▲ CO	URT USE ONLY ▲
and	ı	
Defendant-Intervenors:		
COLORADOANS AGAINST RESOURCE		
DESTRUCTION; TALLAHASSEE AREA	I	
COMMUNITY, INC.; and SHEEP MOUNTAIN	i	
ALLIANCE.		
Attorneys for Plaintiff:	l	
John D. Fognani, Atty. Reg #8280	l	
Michael T. Hegarty, Atty. Reg #32073	Case Number: 2010 CV 8615	
Kendall R. McLaughlin, Atty. Reg. #39574	i	
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AFFIDAVIT OF KIMBERLY L. WISE		
STATE OF COLORADO)		
COUNTY OF DENVER)		

1. I am over the age of 18 and I have personal knowledge of the facts stated herein.

I, Kimberly L. Wise, being first duly sworn on oath, depose and state as follows:

2. I am an Executive Legal Administrator at the law firm of Fognani & Faught, PLLC ("the Firm").

- 3. I perform the on-line filing for the Firm's litigation cases and also receive Lexis/Nexis notices and receive all notices from Lexis/Nexis when on-line filings occur in the cases, including the above-captioned case.
- 4. On July 13, 2012, I received a Lexis/Nexis notice and Order from the court regarding this case. I went to Lexis/Nexis and retrieved the Order, but it was unsigned and did not contain the transaction stamp near the upper right corner that on-line filings typically have when received via Lexis/Nexis.
- 5. On August 6, 2012, I again checked the docket on Lexis/Nexis to determine if a signed Order had been uploaded. The Order that was shown on the docket still did not have a signature. However, on August 6, 2012, the Order had the transaction stamp on it near the upper right corner that was not on the previous order when I checked Lexis/Nexis on July 13, 2012.
- 6. To date, the Firm still has not received a signed Order either through Lexis/Nexis or the regular mail from the Court or the Clerk of the Denver District Court.

Further Affiant Sayeth Naught.

Kimberly L. Wise

SUBSCRIBED AND SWORN to before me this 29th day of October 2012 by Kimberly L. Wise.

WITNESS my hand and official seal.

Commission Expires

Notary Public

My Commission Expires: 10-21, 2014