

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

John D. Fognani, Atty. Reg. #8280
Michael T. Hegarty, Atty. Reg. #32073
Kendall R. McLaughlin, Atty. Reg. #39574
FOGNANI & FAUGHT, PLLC
1700 Lincoln Street, Suite 2222
Denver, Colorado 80203
Telephone: 303-382-6200
Facsimile: 303-382-6210
Attorneys for Plaintiff

s/ Jeff M. Fugate

Jeff M. Fugate, Assistant Attorney General
Steven Nagy, Assistant Attorney General
Office of the Colorado Attorney General
1525 Sherman St., 7th Floor
Denver, Colorado 80203
*Attorneys for State of Colorado Mined Land
Reclamation Board*

s/ Jeffrey C. Parsons

Jeffrey C. Parsons
Roger Flynn
Western Mining Action Project
Lyons, Colorado 80540
Attorneys 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 & Serve™ 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: 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**