



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 16<sup>th</sup> day of December 2011.

Respectfully submitted,

/s John D. Fognani

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Michael T. Hegarty, Atty. Reg #32073

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**ATTORNEYS FOR PLAINTIFF**

**CERTIFICATE OF SERVICE**

I hereby certify that on this 16<sup>th</sup> 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 & Serve™ upon the following:

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/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**