

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

2009-5083

CONSOLIDATION COAL COMPANY, CONSOL OF PENNSYLVANIA COAL COMPANY, CONSOL OF KENTUCKY INC., EIGHTY FOUR MINING COMPANY, HELVETIA COAL COMPANY, ISLAND CREEK COAL COMPANY, KENT COAL MINING COMPANY, KEYSTONE COAL MINING CORPORATION, LAUREL RUN MINING COMPANY, MCELROY COAL COMPANY, NINEVAH COAL COMPANY, QUARTO MINING COMPANY, EAGLE ENERGY, INC., ELK RUN COAL COMPANY, INC., GOALS COAL COMPANY, GREEN VALLEY COAL COMPANY, INDEPENDENCE COAL COMPANY, INC., KNOX CREEK COAL CORPORATION, MARFORK COAL COMPANY, INC., MARTIN COUNTY COAL CORPORATION, PEERLESS EAGLE COAL COMPANY, PERFORMANCE COAL COMPANY, RAWL SALES & PROCESSING, SIDNEY COAL COMPANY, INC., STONE MINING COMPANY, JIM WALTER RESOURCES, INC., EASTERN ASSOCIATED COAL CORP., KINGSTON RESOURCES, INC., PIONEER FUEL CORPORATION, POWDER RIVER COAL COMPANY, APOGEE COAL COMPANY, ARCH WESTERN RESOURCES, LLC, CANYON FUEL COMPANY, LLC, CATENARY COAL COMPANY, COAL-MAC, INC., DAL-TEX COAL CORPORATION, HOBET MINING, INC., MINGO LOGAN COAL CO. PAYNTER BRANCH MINING, INC., PLATEAU MINING CORPORATION RAG CUMBERLAND RESOURCES, L.P., RAG EMERALD RESOURCES, L.P. TWENTYMILE COAL COMPANY, COASTAL COAL COMPANY, LLC COASTAL COAL-WEST VIRGINIA, LLC, EVERGREEN MINING COMPANY MID-VOL LEASING, INC., MOUNTAINEER COAL DEVELOPMENT COMPANY OLD BEN COAL COMPANY, SHIPYARD RIVER COAL TERMINAL COMPANY RIVERSIDE ENERGY, INC., VIRGINIA CREWS COAL COMPANY CLINTWOOD ELKHORN MINING COMPANY, GATLIFF COAL COMPANY PREMIER ELKHORN COAL COMPANY, PERRY COUNTY COAL CORPORATION GLAMORGAN COAL COMPANY, LLC, TERRY EAGLE, L.P. NICHOLAS-CLAY LAND & MINERAL, INC., NICHOLAS-CLAY COMPANY, LLC ANDALEX RESOURCES, INC., GENWAL RESOURCES, INC. PACIFIC COAST COAL COMPANY, USIBELLI COAL MINE, INC. WEST RIDGE RESOURCES, INC., UNITED STATES STEEL MINING COMPANY, LLC, and COVENANT COAL CORPORATION,

Plaintiffs-Appellants,

and

WELLMORE ENERGY COMPANY, LLC
(formerly known as Rapoca Energy Company, LLC),

Plaintiff-Appellant,

v.

UNITED STATES,

Defendant-Appellee.

Appeal from the United States Court of Federal Claims
in 01-CV-254 and 01-CV-442, Senior Judge Bohdan A. Futey.

ON MOTION

ORDER

Consolidation Coal et al. move without opposition for a 47-day extension of time,
until January 11, 2010, to file a reply brief.

Upon consideration thereof,

IT IS ORDERED THAT:

The motion is granted. No further extensions should be anticipated.

FOR THE COURT

DEC 01 2009

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: Steven H. Becker, Esq.
John Y. Merrell, Jr., Esq.
Tara K. Hogan, Esq.

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FILED
U.S. COURT OF APPEALS FOR
THE FEDERAL CIRCUIT

DEC 01 2009

JAN HORBALY
CLERK