

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Senior District Judge Richard P. Matsch**

Date: December 30, 2009  
Courtroom Deputy: J. Chris Smith  
FTR Technician: Kathy Terasaki

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Civil Action No. 08-cv-00144-RPM

SAN JUAN CITIZENS ALLIANCE,  
COLORADO ENVIRONMENTAL COALITION,  
COLORADO WILD,  
OIL AND GAS ACCOUNTABILITY PROJECT, and  
THE WILDERNESS SOCIETY,

Michael S. Freeman  
Margaret Parish  
Edward B. ZuKoski

Plaintiffs,

v.

MARK STILES, in his official capacity as  
San Juan National Forest Supervisor and  
BLM Center Manager of the San Juan Public Lands Center,  
RICK CABLES, in his official capacity as  
Regional Forester of the Rocky Mountain Region of the U.S. Forest Service,  
UNITED STATES FOREST SERVICE,  
CHARLES CONNER, in his official capacity as  
Acting Secretary of the Department of Agriculture,  
UNITED STATES BUREAU OF LAND MANAGEMENT, and  
DIRK KEMPTHORNE, in his official capacity as  
Secretary of the Department of Interior,

John S. Most

Defendants,

and

BP AMERICA PRODUCTION COMPANY,  
ELM RIDGE EXPLORATION COMPANY, LLC,  
EXOK, INC.,  
PETROX RESOURCES, INC., and  
XTO ENERGY INC.,

Charles L. Kaiser  
Ezekiel J. Williams  
Bret A. Sumner

Intervenor-Defendants.

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**COURTROOM MINUTES**

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**Oral Argument**

**10:00 a.m. Court in session.**

December 30, 2009  
08-cv-00144-RPM

In-house agency counsel Phil Lowe and Ken Capps for defendants are present  
Court's preliminary remarks.

10:09 a.m. Argument by Mr. Freeman.

10:54 a.m. Argument by Mr. Most.

10:59 a.m. Clarifying comments by Mr. Freeman.

11:01 a.m. Continued argument by Mr. Most.

11:34 a.m. Argument by Mr. Kaiser

**12:02 p.m. Court in recess.**

**1:30 p.m. Court in session.**

1:30 p.m. Continued argument by Mr. Kaiser.

1:34 p.m. Rebuttal argument by Mr. Freeman.

1:46 p.m. Argument by Mr. Williams.

2:20 p.m. Rebuttal argument by Mr. Freeman.

2:29 p.m. Argument by Mr. Sumner.

2:58 p.m. Rebuttal argument by Mr. Freeman.

**ORDERED: Administrative Records, filed 7/30/2008 [49] and 11/26/2008 [62], are taken under advisement.**

**ORDERED: BP America Production Company's Partial Motion to Dismiss, filed December 17, 2008 [68], is taken under advisement.**

**ORDERED: Federal Defendants' Motion to Strike Plaintiffs' Notice Regarding Four Corners Air Quality Task Force Report, filed August 7, 2009 [98], is taken under advisement.**

**3:10 p.m. Court in recess.**

Hearing concluded. Total time: 3 hrs. 42 min.