

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Judge John L. Kane

Civil Action No. 08-cv-02167-AP

WILDEARTH GUARDIANS,

Plaintiff,

v.

UNITED STATES FOREST SERVICE, a federal agency within the U.S. Department of Agriculture,
RICK CABLES, in his official capacity as Regional Forester of the U.S. Forest Service's Rocky Mountain Region,
CHARLES RICHMOND, in his official capacity as Regional Forester of the U.S. Forest Service's Rocky Mountain Region,
UNITED STATES DEPARTMENT OF THE INTERIOR, a federal agency,
S. STEPHEN ALLRED, in his official capacity as Assistant Secretary, Land and Minerals Management, U.S. Department of the Interior,

Defendants.

and

MOUNTAIN COAL COMPANY, LLC, a Delaware limited liability corporation,

Inventor-Defendant.

ORDER

Consistent with the Order of Remand and Judgment entered by the Tenth Circuit Court of Appeals on July 24, 2009, the Motion to Intervene by Mountain Coal Company, L.L.C. (Doc. #5) is GRANTED. The Proposed Answer and Affirmative Defenses of Defendant Intervenor (Doc. 5-3) are accepted as filed. The stay is lifted. On or before August 26, 2009, the parties

shall confer and submit a revised Joint Case Management Plan that includes the intervenors, and sets forth a revised briefing schedule.

Dated: August 12, 2009

BY THE COURT:

S/John L. Kane

John L. Kane, Senior District Judge
United States District Court