

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
EASTERN DIVISION**

PATTISON SAND COMPANY, LLC,

Plaintiff,

vs.

FEDERAL MINE SAFETY AND  
HEALTH REVIEW COMMISSION and  
MINE SAFETY AND HEALTH  
ADMINISTRATION,

Defendants.

No. 11-CV-1051-LRR

**ORDER**

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The matter before the court is the parties' joint "Status Report and Motion to Extend Stay for 90 Days" ("Motion") (docket no. 32), which the parties filed on August 30, 2012. On February 15, 2012, the court entered an Order (docket no. 25) staying this case pending the resolution of Plaintiff's interlocutory appeal to the Eighth Circuit Court of Appeals. On July 31, 2012, the Eighth Circuit issued its Opinion (docket no. 27) and Judgment (docket no. 28) affirming this court's Order (docket no. 14) denying Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction (docket no. 11). In the Motion, the parties ask the court to extend the stay for 90 days while the parties work toward a resolution of the case.

The court finds it unnecessary to extend the stay in light of the Eighth Circuit's resolution of the interlocutory appeal and the amount of time that has passed. The Motion is **DENIED**, and the stay is hereby lifted. The Clerk of Court is **DIRECTED** to designate as pending the Motion to Dismiss (docket no. 23). If Plaintiff wishes to resist the Motion to Dismiss, Plaintiff is **DIRECTED** to file a resistance on or before **September 7, 2012**. If Defendants wish to file a reply to any resistance, Defendants are **DIRECTED** to file a reply on or before **September 11, 2012**.

**IT IS SO ORDERED.**

**DATED** this 30th day of August, 2012.

A handwritten signature in black ink, appearing to read "Linda R. Reade", written over a horizontal line.

LINDA R. READE  
CHIEF JUDGE, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF IOWA