Filed: 10/5/2016 2:01:44 PM WEQC

Thomas L. Sansonetti (Wyo. State Bar # 43354)
Isaac N. Sutphin, P.C. (Wyo. State Bar # 6-3711)
Jeffrey S. Pope (Wyo. State Bar # 7-4859)
HOLLAND & HART LLP
2515 Warren Avenue, Suite 450
P.O. Box 1347
Cheyenne, WY 82003-1347
Telephone: (307) 778-4200
tlsansonetti@hollandhart.com
insutphin@hollandhart.com
jspope@hollandhart.com

ATTORNEYS FOR PETITIONER BROOK MINING COMPANY, LLC

## BEFORE THE ENVIRONMENTAL QUALITY COUNCIL STATE OF WYOMING

IN RE BROOK MINE APPLICATION ) )	Civil Action No. 16-1601
----------------------------------	--------------------------

## UNOPPOSED MOTION TO DISMISS RESPONDENT PADLOCK RANCH COMPANY WITH PREJUDICE

Petitioner, Brook Mining Company (Brook), through undersigned counsel, move this Council to dismiss the above-captioned matter as to Respondent Padlock Ranch Company (Padlock) with Prejudice. As grounds for this Motion, Brook states the following:

- 1. On March 16, 2016, Brook filed its Request for Order in Lieu of Consent and Request for Hearing with this Council.
- Padlock responded to Brook's Request for Order in Lieu of Consent on April 15,
   2016.
- 3. A hearing was held before this Council on August 17 and 18, 2016. At the hearing, Brook and Padlock each presented evidence relating to the five requisite elements contained in Wyo. Stat. § 35-11-406(b)(xii)(A)-(E).

- 4. On September 27, 2016, Brook Mining Company and Padlock Ranch Company entered into a Confidential Surface Use Agreement.
- 5. On September 27, 2016, Padlock Ranch Company signed a Form 8, Surface Landowner's Consent, attached hereto as Exhibit 1.
- 6. Counsel for Brook has conferred with counsel for Padlock, and counsel for Padlock does not oppose this Motion.
  - 7. Brook and Padlock will bear their respective attorneys' fees and costs.

WHEREFORE, Brook Mining Company respectfully requests this Council enter an order dismissing is Request for an Order in Lieu of Consent as to Padlock Ranch Company. A proposed form of Order is attached for the Council's convenience.

DATED: October 5, 2016.

Thomas L. Sansonetti (Wyo. State Bar # 43354)

Isaac N. Sutphin, P.C. (Wyo. State Bar # 6-3711)

Jeffrey S. Pope (Wyo. State Bar # 7-4859)

HOLLAND & HART LLP

2515 Warren Avenue, Suite 450

P.O. Box 1347

Cheyenne, WY 82003-1347

Telephone: (307) 778-4200

tlsansonetti@hollandhart.com

insutphin@hollandhart.com

jspope@hollandhart.com

ATTORNEYS FOR PETITIONER BROOK MINING COMPANY, LLC

## **CERTIFICATE OF SERVICE**

I hereby certify that on October 5, 2016, I served a true and correct copy of the foregoing by United States mail, postage prepaid and addressed to the following:

Haultain Corbett 50 East Loucks Street Suite 110 PO Drawer 5059 Sheridan, WY 82801-5059 hal@lonabaugh.com

Lynnette J. Boomgaarden Crowley Fleck, PLLP 237 Storey Boulevard, Suite 110 Cheyenne, WY 82009 lboomgaarden@crowleyfleck.com

9147818\_1