

**IN THE DISTRICT COURT, FOURTH JUDICIAL  
DISTRICT, IN AND FOR SHERIDAN COUNTY, WYOMING**

**BROOK MINING COMPANY, LLC, a Wyoming  
limited liability company, and RAMACO  
WYOMING COAL, LLC, a Wyoming limited  
liability company,**

**Plaintiffs,**

**vs.**

**BIG HORN COAL COMPANY, a Wyoming  
corporation,**

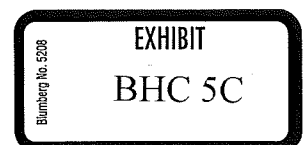
**Defendant.**

**Civil No. CV 2014-372**

**NOTICE OF AMENDMENT AND SUBSTITUTION OF MORE DETAILED EXHIBIT  
“C” TO THE NOVEMBER 25, 2014 COMPLAINT**

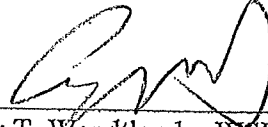
Plaintiffs, Brook Mining Company, LLC and Ramaco Wyoming Coal, LLC (collectively “Ramaco”), by and through their undersigned attorneys and pursuant to W.R.P.C. 15(a), hereby notifies the Court and counsel of its amendment and substitution of a more detailed map diagram and legal description for Exhibit “C” to the November 25, 2014 Complaint that it filed in this case.

Pursuant to W.R.C.P. 15(a), a party may amend its initial pleading once as a matter of course before a responsive pleading is filed and served. To date, Defendant has filed and served only a motion to dismiss in response to service of the complaint with its original attachments. Wyoming case law is clear that a motion to dismiss is not a “responsive pleading” for purposes of the application of W.R.C.P. 15(a) concerning amendments as a matter of course. *In the Matter of Paternity of IC*, 941 P.2d 46, 50 (Wyo. 1997). Further, because only a motion to dismiss has been filed by the Defendant in this case to date, no discovery has taken place and substituting a better quality map diagram and adding a legal description for that map diagram will not otherwise



materially prejudice any party to this suit.

RESPECTFULLY SUBMITTED this 8th day of January 2015.



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**CERTIFICATE OF SERVICE**

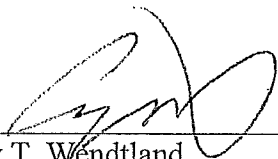
I, Anthony T. Wendtland, certify that on the 8th day of January 2015, a true and correct copy of the foregoing NOTICE OF AMENDMENT AND SUBSTITUTION OF MORE DETAILED EXHIBIT "C" TO THE NOVEMBER 25, 2014 COMPLAINT served as follows:

Jon T. Dyre  
Crowley Fleck, PLLP  
490 N. 31<sup>st</sup> Street, Suite 500  
P.O. Box 2529  
Billings, MT 59103-2529

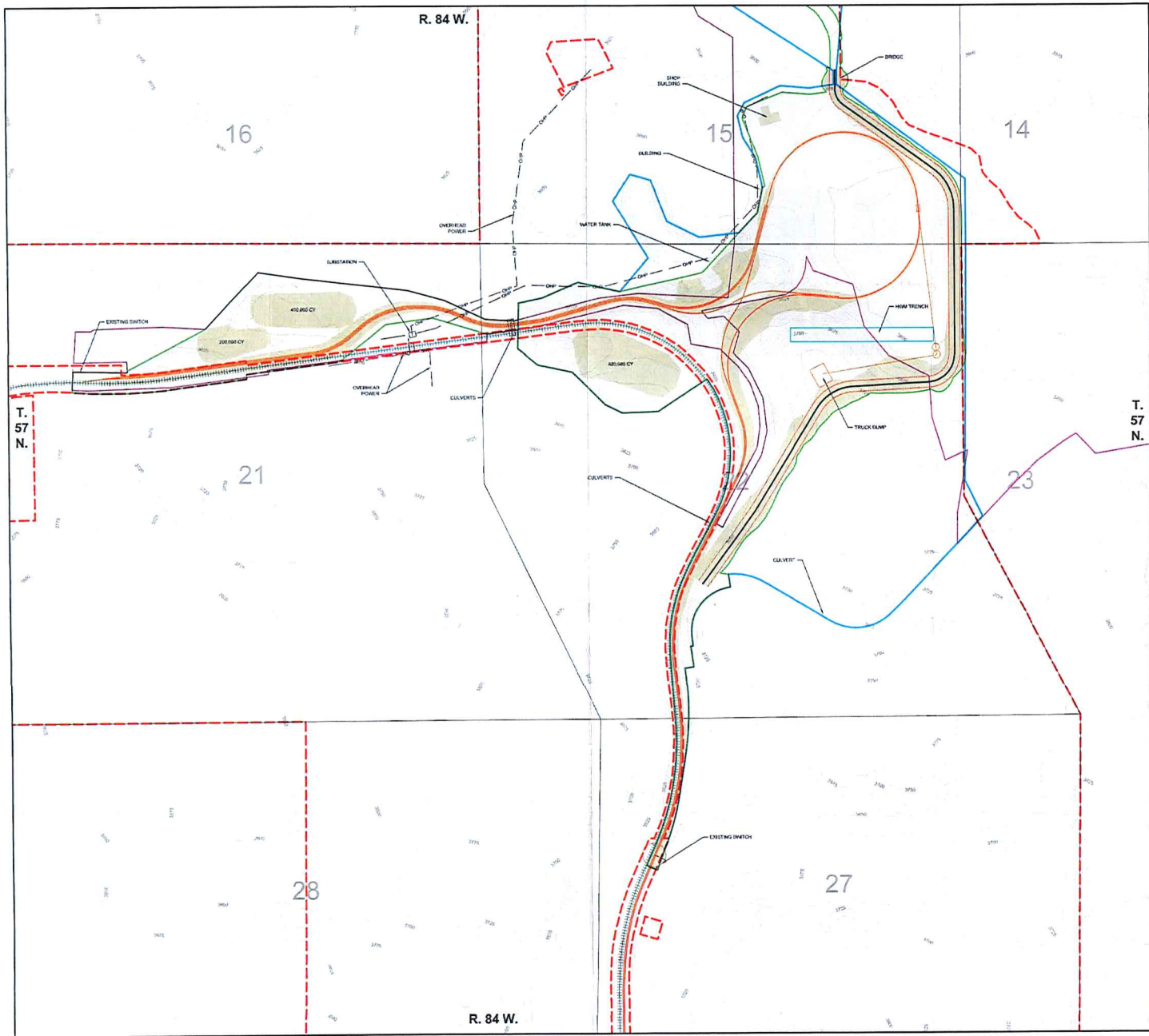
via Hand delivery in Court following  
January 8, 2015 Motion to Dismiss  
Hearing

Lynne J. Boomgaarden  
Crowley Fleck, PLLP  
237 Storey Boulevard, Suite 110  
Cheyenne, WY 82009

Prepaid U.S. First Class Mail

  
\_\_\_\_\_  
Anthony T. Wendtland

SUBSTITUTE EXHIBIT "C" MAP DIAGRAM AND LEGAL DESCRIPTION TO ORIGINAL  
NOVEMBER 25, 2014 COMPLAINT



**LEGEND**

- EXISTING MAIN LINE
- PROPOSED FACILITIES
- AREA OF CONTROL
- DISTURBANCE AREA
- BROOK MINE PERMIT BOUNDARY
- BIG HORNE GOAL PERMIT BOUNDARY (PERMIT NO. 21)
- HUALAHO CENTERLINE

		BROOK MINE SHERIDAN COUNTY, WY 1101 SUGARVIEW DR, STE. 201 SHERIDAN, WY 82801																							
		<b>EXHIBIT C</b>  <b>RAIL SPUR DIAGRAM</b>																							
<b>REVISIONS</b> <table border="1"> <thead> <tr> <th>Date</th> <th>Description</th> </tr> </thead> <tbody> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </tbody> </table>		Date	Description																					Drawn By: DCJ Checked By: JGD Date: 11/03/14	
Date	Description																								
141 RR 25FT CL.dwg		www.wwcengineering.com																							

**Exhibit C**

**LEGAL DESCRIPTION FOR BROOK MINE RAIL LOAD-OUT AND FACILITIES**

December 11, 2014

5:30PM

A tract of land situated in the S½ Section 15, N½ Section 21, Section 22, W½NW¼ Section 27, Township 57 North, Range 84 West, 6<sup>th</sup> Principal Meridian, Sheridan County Wyoming, said tract being more particularly described as follows:

Beginning at the E¼ Corner of said Section 22 monumented with a cap per PLS 5369;

Thence continuing along the East line S26°14'47"E, 623.40 feet to the old abandoned South right-of-way line of Wyoming Highway #338 the following courses and distances:

Thence S43°27'00"W, 1292.11 feet along said right of way line to a point;

Thence N46°33'00"W, 25.00 feet along said right of way line to the beginning of a spiral curve to the right having a chord bearing of S45°18'34"W, and a chord length of 145.88 feet to the beginning of a simple curve to the right;

Thence through said curve having a central angle of 66°07'04", a radius of 689.80 feet, an arc length of 796.01 feet, a chord bearing of S80°39'09"W, and a chord length of 752.57 feet to the beginning of a spiral curve to the right;

Thence through said spiral having a chord bearing of N63°57'46"W, and a chord length of 86.39 feet;

Thence N58°51'29"W, 798.34 feet to the beginning of a spiral curve to the left;

Thence through said spiral having a chord bearing of N60°57'06"W, and a chord length of 63.39 feet to the beginning of a simple curve to the left;

Thence N25°40'06"E 17.93 feet along said south right of way line to the point of beginning of a curve to the left

Thence through said curve having a central angle of 113°26'08", a radius of 495.79 feet, an arc length of 981.58 feet, a chord bearing of S59°39'11"W, and a chord length of 828.94 feet to a point-way;

Thence through said curve to the left having a chord bearing of S04°01'34"E, and a chord length of 190.49 feet to a right-of-way jog;

Thence through said jog S82°18'00"W, 25.01 feet;

Thence S07°42'00"E, 228.85 feet to a gate;

Thence leaving said East right-of-way line S81°25'19"W, 98.55 feet to the West right-of-way line;

Thence continuing along said West line the following courses and distances:

Thence S07°42'00"E, 91.12 feet to a simple curve to the right;

Thence through said curve having a central angle of 14°53'47", a radius of 3168.94 feet, an arc length of 823.89 feet, a chord bearing of S00°41'30"W, and a chord length of 821.58 feet;

Thence S09°05'00"W, 463.92 feet to a simple curve to the right;

Thence through said curve having a central angle of 12°27'51", a radius of 2597.82 feet, an arc length of 565.13 feet, a chord bearing of S14°50'00"W, and a chord length of 564.02 feet;

Thence S20°35'00"W, 310.14 feet;

Thence leaving said West line N65°32'00"W, 127.80 feet to the centerline of a railroad track;

Thence following said railroad track the following courses and distances;

Thence N24°37'40"E, 183.75 feet to a curve to the left;

Thence through said curve having a central angle of 28°20'53", a radius of 2864.93 feet, an arc length of 1417.47 feet, a chord bearing of N10°27'14"E, and a chord length of 1403.05 feet;

Thence N03°43'13"W, 735.63 feet to a curve to the right;

Thence through said curve having a central angle of 31°07'01", a radius of 1910.08 feet, an arc length of 1037.35 feet, a chord bearing of N11°50'18"E, and a chord length of 1024.65 feet;

Thence N27°23'48"E, 642.86 feet to a curve to the left;

Thence through said curve having a central angle of 61°49'07", a radius of 1432.69 feet, an arc length of 1545.78 feet, a chord bearing of N03°30'45"W, and a chord length of 1471.89 feet;

Thence leaving said railroad track S56°33'58"W, 638.91 feet to a line on the East side of Goose Creek;

Thence following said East line the following courses and distances;

Thence S87°52'01"W, 392.09 feet;

Thence N64°20'48"W, 207.88 feet;

Thence N45°35'38"W, 510.99 feet;

Thence N78°03'43"W, 388.05 feet;

Thence N50°16'13"W, 282.68 feet;

Thence N01°26'23"E, 126.76 feet to point on the south right of way line of the Burlington Northern Railroad fifty (50) feet southerly of the centerline of said railroad; thence S82°34'31"W, 2869.42 feet along said south right of way fifty (50) feet south and parallel to said centerline to a point; thence S06°31'02"E, 50.00 feet along said south right of way to a point one hundred (100) feet south of said centerline; thence S82°34'30"W, 904.95 feet along said south right of way line one hundred feet south and parallel to said centerline to a point of beginning of a tangent curve; thence, along said right of way line through a curve to the right, having a central angle of 10°50'00", a radius of 5829.42 feet, an arc length of 1102.21 feet, a chord bearing of S87°59'30"W, and a chord length of 1100.57 feet to a point; thence N86°35'30"W, 100.00 feet along said right of way line to a point; thence N03°24'30"E, 200.00 feet to a point on the north right of way of said railroad being one hundred (100) feet north of said centerline; thence S86°35'30"E, 100.00 feet along said north right of way line to a point of a tangent curve; thence, along said right of way through a curve to the left, having a central angle of 07°03'29", a radius of 5629.42 feet, an arc length of 693.48 feet, a chord bearing of N89°52'45"E, and a chord length of 693.04 feet to a point on said north right of way line intersecting with a north-south fence line; thence N02°34'37"W, 94.27 feet along said fence line to a point; thence N67°34'30"E, 937.85 feet to a point; thence N33°51'13"E, 772.31 feet to a point; thence S82°47'16"E, 1651.26 feet to a point; thence S74°30'06"E, 412.76 feet to a point; thence S65°08'13"E, 497.68 feet to a point; thence N85°30'00"E, 358.23 feet;

Thence N01°26'23"E, 145.72 feet;

Thence N77°48'00"E, 266.43 feet;

Thence N66°04'55"E, 425.97 feet;

Thence S77°11'21"E, 471.71 feet;

Thence N39°29'11"E, 486.87 feet;

Thence N31°32'01"W, 417.54 feet to a point on the north line of the reserved Big Horn Coal lands described in Book 152 of Deeds, Page 30;

Thence N70°10'36"E, 31.73 feet along said north line to a point;

Thence S84°07'21"E, 594.37 feet along said north line to a point;

Thence leaving said north line S64°04'42"E, 176.16 feet to a point;

Thence N83°37'41"E, 438.34 feet;

Thence N43°20'25"E, 294.31 feet;

Thence N11°30'39"E, 280.50 feet;

Thence N12°47'59"W, 340.22 feet;

Thence N32°29'06"W, 253.75 feet;

Thence N14°01'59"W, 249.78 feet;

Thence N28°00'06"E, 163.24 feet;

Thence N64°51'44"E, 427.46 feet;

Thence S85°32'36"E, 322.76 feet;

Thence N81°47'45"E, 269.20 feet to the South side of a bridge across Tongue River;  
Thence N00°02'23"W, 149.21 feet across said bridge to the North side of said river;  
Thence S89°56'03"E, 32.19 feet along the north side of said bridge to a point;  
Thence across said bridge S00°00'16"E, 149.27 feet to a point on the South end of said bridge;  
Thence S53°42'54"E, 1746.01 feet to a point 660 feet South of the S1/16 Corner between Section 14 and said Section 15;  
Thence along the East line of said Section 15 S00°29'36"E, 658.41 feet to the NE Corner of said Section 22 monumented with a cap per PLS 2615;  
Thence along the East line of said Section 22 S00°20'40"W, 2646.25 feet to the POINT OF BEGINNING,  
Excepting lands owned by the CB&Q Railroad containing 28 Acres of land more or less  
Excepting the tract of land describing the MDU substation situated in the NE¼NE¼ of said Section 21 and recorded in Book 207 of Deeds, Page 222, said parcel containing 0.2 acres, more or less.

Said Tract contains 452 Acres of land more or less.

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