

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.

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APR 24 2015

CROWLEY FLECK PLLP

Civil No. CV 2014-372

MOTION FOR LEAVE TO FILE AND SERVE SECOND AMENDMENT OF EXHIBIT "C" LEGAL DESCRIPTION AND MAP DIAGRAM TO THE PLAINTIFFS' AMENDED COMPLAINT

Plaintiffs, Brook Mining Company, LLC and Ramaco Wyoming Coal, LLC (collectively "Ramaco") and Defendant, Big Horn Coal Company, ("BHC"), by and through their respective undersigned attorneys, and pursuant to W.R.P.C. 15(a), hereby move the Court for leave to file a second amendment to Exhibit "C" referenced in paragraph 14 of the current Amended Complaint that is pending in this matter. Leave to amend is requested because the Defendant has filed an Answer in response to the present Amended Complaint.

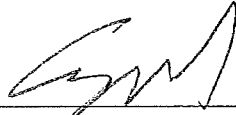
Plaintiffs propose that they simply be allowed to file an amended Exhibit "C1" narrative legal description and map showing a slightly different described area where they plan to construct surface coal mining related improvements. The substantive difference between the Exhibit "C" attached to the Amended Complaint and the proposed amended exhibit is that the proposed amended exhibit describes a slightly smaller specific land area and also expressly excludes the



existing shop facility and concrete bridge that are located in T. 57 N., R. 84 W, 6<sup>th</sup> P.M., Section 15 from the specific area described in paragraph 14. Plaintiffs also request leave to have the record reflect that the Exhibit described and reflected in paragraph 14 of the Amended Complaint would reference Exhibit "C1" going forward just to help keep the new exhibit clear in the pleadings.

This proposed amendment is minor, prejudices no one, and is requested early in these proceedings prior to any discovery other than initial self-executing discovery having taken place. Such requests for leave to amend are favored and are to be freely granted. *Ekberg v. Sharp*, 2003 WY 123, ¶9, 76 P.3d 1250, 1253 (Wyo. 2003). This proposed amendment is also sought by motion at this time after the Plaintiffs proposed it to the Defendant by stipulation on April 8, 2015 and the Defendant failed to respond to that request.

Respectfully submitted this 22nd day of April, 2015.



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Wendtland & Wendtland, LLP  
Attorneys for Plaintiffs  
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Sheridan, WY 82801  
Telephone: 307.673.4696 / Fax: 307.673.4828

PORPOSED AMENDED AND SUBSTITUTE EXHIBIT "C1" LEGAL DESCRIPTION AND  
MAP DIAGRAM TO AMENDED COMPLAINT FOR PARAGRAPH 14 OF AMENDED  
COMPLAINT

Exhibit A

LEGAL DESCRIPTION FOR BROOK MINE RAIL LOAD-OUT AND FACILITIES

April 8, 2015

1:15 pm

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 Southeast corner of Section 15 of Township 57 north, Range 84 West ;

Thence S 26°14'47" E a distance of 439.24';

Thence S 43°27'00" W a distance of 1360.04';

Thence S 45°17'36" W a distance of 135.43';

Thence with a curve turning to the right with an arc length of 629.68', with a radius of 545.67', with a chord bearing of S 80°39'09" W, with a chord length of 595.32';

Thence N 64°20'43" W a distance of 67.72';

Thence N 58°51'29" W a distance of 798.15';

Thence N 60°52'31" W a distance of 67.30';

Thence with a curve turning to the left with an arc length of 383.43', with a radius of 618.43', with a chord bearing of N 78°10'53" W, with a chord length of 377.32';

Thence S 08°12'26" E a distance of 143.97';

Thence with a curve turning to the left with an arc length of 678.83', with a radius of 495.67', with a chord bearing of S 42°33'32" W, with a chord length of 627.01';

Thence with a compound curve turning to the left with an arc length of 152.67', with a radius of 719.24', with a chord bearing of S 03°08'37" E, with a chord length of 152.38';

Thence S 07°33'11" E a distance of 38.15';

Thence S 82°18'00" W a distance of 25.00';

Thence S 07°42'00" E a distance of 228.79';

Thence S 81°25'19" W a distance of 98.52';

Thence S 07°42'00" E a distance of 91.10';

Thence with a curve turning to the right with an arc length of 823.70', with a radius of 3168.18', with a chord bearing of S 00°41'30" W, with a chord length of 821.38';

Thence S 09°05'00" W a distance of 463.81';

Thence with a curve turning to the right with an arc length of 564.99', with a radius of 2597.19', with a chord bearing of S 14°50'00" W, with a chord length of 563.88';

Thence S 20°35'00" W a distance of 310.07';

Thence N 65°32'00" W a distance of 127.77';

Thence N 24°37'40" E a distance of 183.70';

Thence with a curve turning to the left with an arc length of 1417.13', with a radius of 2864.24', with a chord bearing of N 10°27'14" E, with a chord length of 1402.72';

Thence N 03°43'13" W a distance of 735.45';

Thence with a curve turning to the right with an arc length of 1037.10', with a radius of 1909.62', with a chord bearing of N 11°50'18" E, with a chord length of 1024.40';

Thence N 27°23'48" E a distance of 642.71';

Thence with a curve turning to the left with an arc length of 1545.40', with a radius of 1432.34', with a chord bearing of N 03°30'45" W, with a chord length of 1471.53';

Thence S 56°33'58" W a distance of 638.75';

Thence S 87°52'01" W a distance of 392.00';

Thence N 64°20'48" W a distance of 207.83';

Thence N 45°35'38" W a distance of 510.87';



Thence N 78°03'43" W a distance of 387.95';  
Thence N 50°16'13" W a distance of 282.62';  
Thence N 01°26'23" E a distance of 126.73';  
Thence S 82°34'31" W a distance of 2868.73';  
Thence S 06°31'02" E a distance of 49.99';  
Thence S 82°34'30" W a distance of 904.74';  
Thence with a curve turning to the right with an arc length of 1101.94', with a radius of 5828.02',  
with a chord bearing of S 87°59'30" W, with a chord length of 1100.30';  
Thence N 86°35'30" W a distance of 99.98';  
Thence N 03°24'30" E a distance of 199.95';  
Thence S 86°35'30" E a distance of 99.98';  
Thence with a curve turning to the left with an arc length of 693.31', with a radius of 5628.06',  
with a chord bearing of N 89°52'45" E, with a chord length of 692.87';  
Thence N 02°34'37" W a distance of 94.25';  
Thence N 67°34'30" E a distance of 937.62';  
Thence N 33°51'13" E a distance of 772.12';  
Thence S 82°47'16" E a distance of 1650.86';  
Thence S 74°30'06" E a distance of 412.66';  
Thence S 65°08'13" E a distance of 497.56';  
Thence N 85°30'00" E a distance of 358.14';  
Thence N 01°26'23" E a distance of 145.69';  
Thence N 77°48'00" E a distance of 266.36';  
Thence N 66°04'55" E a distance of 425.86';  
Thence S 77°11'21" E a distance of 471.59';  
Thence N 75°28'53" E a distance of 1091.99';  
Thence N 33°16'58" E a distance of 453.67';  
Thence N 43°20'25" E a distance of 294.24';  
Thence N 11°30'39" E a distance of 280.43';  
Thence N 12°47'59" W a distance of 340.14';  
Thence N 32°29'06" W a distance of 178.69';  
Thence N 73°07'10" E a distance of 1057.82';  
Thence N 90°00'00" E a distance of 429.96';  
Thence S 53°42'54" E a distance of 1175.74';  
Thence S 00°29'36" E a distance of 658.25';  
Thence S 00°20'40" W a distance of 2645.62';  
which is the point of beginning.

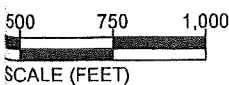
Excepting lands owned by the CB&Q Railroad containing 28 Acres of land more or less

Excepting the tract of land describing the MDU substation situated in the NE¼/NE¼ of said Section 21 and recorded in Book 207 of Deeds, Page 222, said parcel containing 0.2 acres, more or less.

This description expressly excludes the existing concrete bridge across the Tongue River located in the Northeast portion of the tract in Section 15 of Township 57 north, Range 84 West. This description further expressly excludes an existing shop building located in the Northeast portion of the tract in Section 15 of Township 57 north, Range 84 West. This amended description expressly modifies the February 13, 2015 *lis pendens* legal description.

Said Tract contains 439 Acres of land more or less.

|  |   |  |
|--|---|--|
|  <h1 style="margin: 0;">RAMACO</h1> | <b>BROOK MINE</b><br>SHERIDAN COUNTY, WY          |  |
|  | 1101 SUGARVIEW DR. STE. 201<br>SHERIDAN, WY 82801 |  |
| <b>REVISIONS</b>   |   | <b>EXHIBIT C-1</b><br><br><br><br><br><br><br><br><br><br><br><h2 style="margin: 0;">RAIL SPUR DIAGRAM</h2>    |
| Date   | Description                                       |  |
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|  |   | Drawn By: DCJ<br>Checked By: JGB<br>Date: 11/03/14   |
| FILE: EXHIBIT_C1.dwg   |   | <br>www.wwcengineering.com |



**CERTIFICATE OF SERVICE**

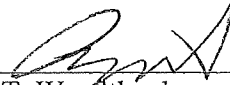
I, Anthony T. Wendtland, certify that on the 22nd day of April 2015, a true and correct copy of the Plaintiffs' **MOTION FOR LEAVE TO FILE AND SERVE SECOND AMENDMENT OF EXHIBIT "C" LEGAL DESCRIPTION AND MAP DIAGRAM TO THE PLAINTIFFS' AMENDED COMPLAINT** foregoing proposed served as follows:

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

Prepaid U.S. First Class Mail

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

Prepaid U.S. First Class Mail

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

**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  
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**Plaintiffs,**

vs.

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

**Defendant.**

Civil No. CV 2014-372

**ORDER GRANTING PLAINTIFFS' MOTION FOR LEAVE TO FILE AND SERVE  
SECOND AMENDMENT OF EXHIBIT "C" LEGAL DESCRIPTION AND MAP  
DIAGRAM TO THE PLAINTIFFS' AMENDED COMPLAINT**

The Court, having considered the Plaintiffs' April 21, 2015 MOTION FOR LEAVE TO FILE AND SERVE SECOND AMENDMENT OF EXHIBIT "C" LEGAL DESCRIPTION AND MAP DIAGRAM TO THE PLAINTIFFS' AMENDED COMPLAINT, the pleadings and being otherwise informed in the premises, hereby Orders that the Plaintiffs' April 21, 2015 Motion should be, and hereby is, GRANTED. Defendant shall have fifteen (15) consecutive calendar days immediately following service of the Plaintiffs' amended Exhibit "C1" to file any responsive pleading it deems appropriate.

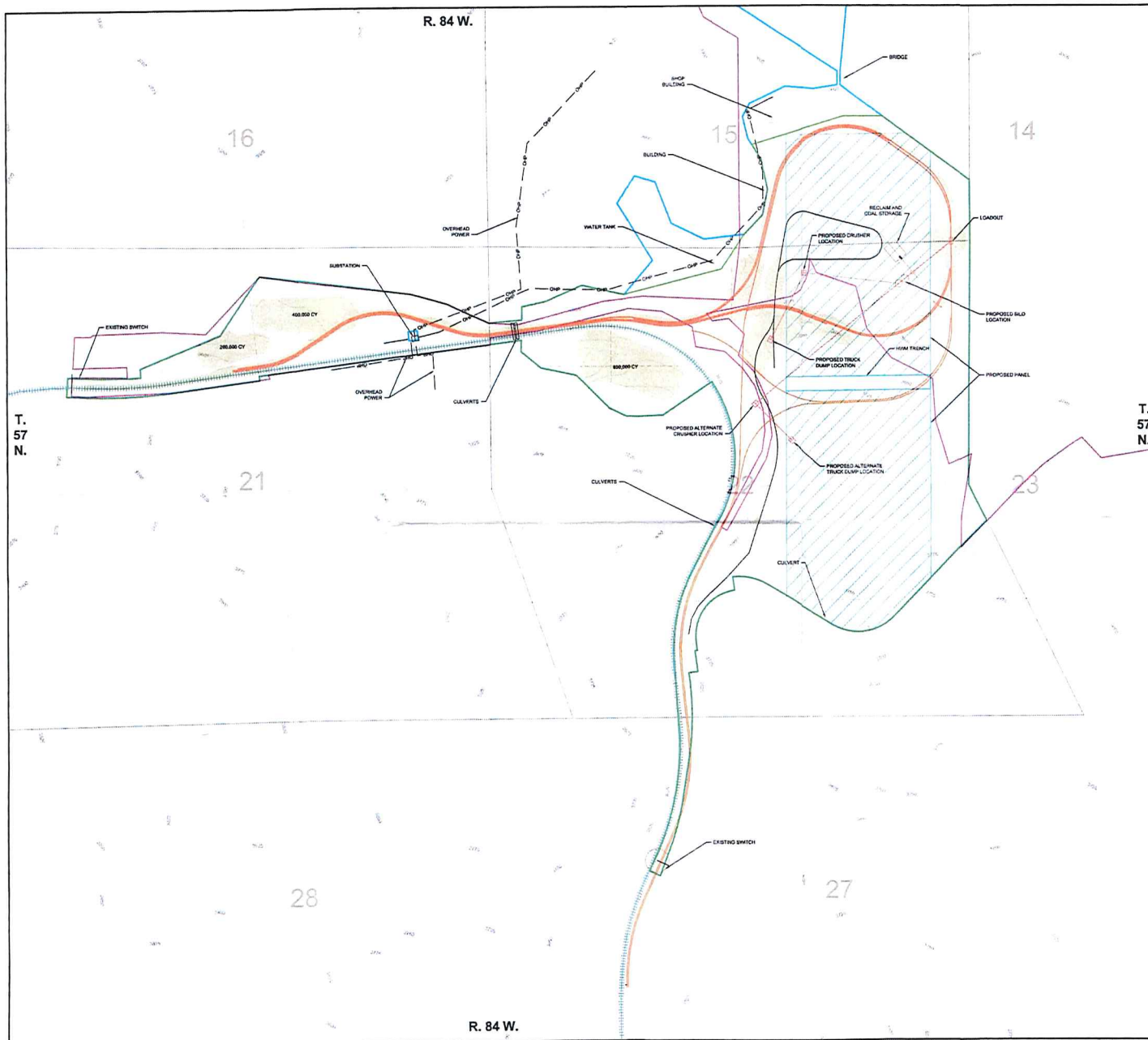
DONE IN OPEN COURT this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
District Court Judge

Copies to:

Wendtland, Sansonetti, Sutphin, Pope  
Dyre, Boomgarden





**LEGEND**

- EXISTING MAILING
- PROPOSED FACILITIES
- AREA OF CONFLICT
- DISTURBANCE AREA
- BROOK MINE PERMIT BOUNDARY
- BIG HORN COAL PERMIT BOUNDARY (PERMIT NO. 213)
- HIGHWAY CENTERLINE

NOTE:  
 PERMIT BOUNDARY, DISTURBED AREA AND MINE PANELS  
 ARE DEPICTED FROM ACTUAL SURVEY DATA COLLECTED  
 IN THE FIELD. ALL OTHER DATA IS DEPICTED FROM USGS  
 QUADS.

|  |  |   |  |
|--|--|---|--|
|  |  | <b>BROOK MINE</b><br>SHERIDAN COUNTY, WY<br>1101 SUGARVIEW DR, STE. 201<br>SHERIDAN, WY 82801 |  |
| <b>REVISIONS</b><br>Date      Description  |  | <b>EXHIBIT C-1</b>  |  |
| _____<br>_____<br>_____<br>_____<br>_____<br>_____<br>_____<br>_____<br>_____<br>_____ |  | <b>RAIL SPUR DIAGRAM</b>  |  |
| _____<br>_____<br>_____<br>_____<br>_____<br>_____<br>_____<br>_____<br>_____<br>_____ |  | Drawn by: DCJ<br>Checked by: JKB<br>Date: 11/02/14  |  |
| FULL EXHIBIT C1.dwg  |  |   |  |

