



Jim Ruby &lt;jim.ruby@wyo.gov&gt;

---

**RE: Brook**

1 message

---

**Shannon Anderson** <sanderson@powderriverbasin.org>

Mon, Jan 30, 2017 at 4:37 PM

To: Jim Ruby &lt;jim.ruby@wyo.gov&gt;, Lynne Boomgaarden &lt;lboomgaarden@crowleyfleck.com&gt;

Cc: andrew kuhlmann &lt;andrew.kuhlmann@wyo.gov&gt;, Isaac Sutphin &lt;insutphin@hollandhart.com&gt;, Michael Klein &lt;m.klein@lhr-inc.com&gt;

Counsel and Mr. Ruby:

We request that the hearing be in Sheridan County, the location of the proposed mining operation. Thank you.

Shannon Anderson

Powder River Basin Resource Council

934 N. Main St., Sheridan, WY 82801

307-672-5809 cell: 307-763-0995

[sanderson@powderriverbasin.org](mailto:sanderson@powderriverbasin.org)Join us at [www.powderriverbasin.org](http://www.powderriverbasin.org)Follow us at <https://twitter.com/PRBResCouncil>**From:** Jim Ruby [mailto:[jim.ruby@wyo.gov](mailto:jim.ruby@wyo.gov)]**Sent:** Monday, January 30, 2017 4:10 PM**To:** Lynne Boomgaarden; Shannon Anderson**Cc:** andrew kuhlmann; Isaac Sutphin; Michael Klein ([m.klein@lhr-inc.com](mailto:m.klein@lhr-inc.com))**Subject:** Re: Brook

Hi Lynn:

Will do. Thanks.

Jim

On Mon, Jan 30, 2017 at 4:08 PM, Lynne Boomgaarden <[lboomgaarden@crowleyfleck.com](mailto:lboomgaarden@crowleyfleck.com)> wrote:

Mr. Ruby –

Please let me know the final time for the scheduling conference and provide me the call in information. I will arrange for representation of Big Horn Coal at the scheduling conference and will confirm with you in advance who will participate on Big Horn Coal's behalf.

Thank you,

Lynne

*Lynne Boomgaarden*



*Notice:* This electronic mail transmission may constitute an attorney-client communication that is privileged at law. It is not intended for transmission to, or receipt by, any unauthorized persons. If you have received this electronic mail transmission in error, please delete it from your system without copying it, and notify the sender by reply e-mail or by calling Crowley Fleck PLLP, so that our address record can be corrected.

NOTICE: THIS ELECTRONIC MAIL TRANSMISSION MAY CONSTITUTE AN ATTORNEY-CLIENT COMMUNICATION THAT IS PRIVILEGED AT LAW. IT IS NOT INTENDED FOR TRANSMISSION TO, OR RECEIPT BY, ANY UNAUTHORIZED PERSONS. IF YOU HAVE RECEIVED THIS ELECTRONIC MAIL TRANSMISSION IN ERROR, PLEASE DELETE IT FROM YOUR SYSTEM WITHOUT COPYING IT, AND NOTIFY THE SENDER BY REPLY E-MAIL OR BY CALLING CROWLEY FLECK PLLP AT [406-252-3441](tel:406-252-3441), SO THAT OUR ADDRESS RECORD CAN BE CORRECTED.

This email has been scanned for email related threats and delivered safely by Mimecast. For more information please visit <http://www.mimecast.com>

**From:** Jim Ruby [mailto:[jim.ruby@wyo.gov](mailto:jim.ruby@wyo.gov)]

**Sent:** Monday, January 30, 2017 12:34 PM

**To:** Lynne Boomgaarden <[lboomgaarden@crowleyfleck.com](mailto:lboomgaarden@crowleyfleck.com)>

**Cc:** andrew kuhlmann <[andrew.kuhlmann@wyo.gov](mailto:andrew.kuhlmann@wyo.gov)>; Isaac Sutphin <[insutphin@hollandhart.com](mailto:insutphin@hollandhart.com)>; Michael Klein ([m.klein@lhr-inc.com](mailto:m.klein@lhr-inc.com)) <[m.klein@lhr-inc.com](mailto:m.klein@lhr-inc.com)>

**Subject:** Re: Brook

Hi Lynn:

Because of the short time frame for this hearing, 20 days from end of comment period, and the requirement that the Council publish notice of the hearing twice on two consecutive weeks, I have to have the scheduling conference this week. Thursday is the best day for the hearing officer and for me to get some kind of notice out to all of the parties so they can try and appear.

The conference can be attended by phone so you don't have to be present. The main reason for the conference is just to get a line on how best to handle the hearing and where. I regret I can't change the day or the time unless I am able to get an agreement of all the parties to change the final hearing date.

I don't have the names and addresses of all of the objectors yet, I am hopeful that I will have that in the next hour or so.

Jim

On Mon, Jan 30, 2017 at 11:56 AM, Lynne Boomgaarden <[lboomgaarden@crowleyfleck.com](mailto:lboomgaarden@crowleyfleck.com)> wrote:

Mr. Ruby –

As you know, I am just this morning learning that the Director is denying requests for an informal conference and instead referring this matter to the EQC for a contested case hearing. I understand there are more than a dozen objectors with multiple objectors possibly represented by counsel.

On behalf of Big Horn Coal Company, we do not object to the hearing being scheduled in Cheyenne. Unfortunately, I am traveling on Thursday and cannot be available for a scheduling conference on that day. Please let me know whether the scheduling conference can be rescheduled to a date when all counsel are available and what other counsel/objectors will be participating.

Thank you,

Lynne

*Lynne Boomgaarden*



*Notice:* This electronic mail transmission may constitute an attorney-client communication that is privileged at law. It is not intended for transmission to, or receipt by, any unauthorized persons. If you have received this electronic mail transmission in error, please delete it from your system without copying it, and notify the sender by reply e-mail or by calling Crowley Fleck PLLP, so that our address record can be corrected.

NOTICE: THIS ELECTRONIC MAIL TRANSMISSION MAY CONSTITUTE AN ATTORNEY-CLIENT COMMUNICATION THAT IS PRIVILEGED AT LAW. IT IS NOT INTENDED FOR TRANSMISSION TO, OR RECEIPT BY, ANY UNAUTHORIZED PERSONS. IF YOU HAVE RECEIVED THIS ELECTRONIC MAIL TRANSMISSION IN ERROR, PLEASE DELETE IT FROM YOUR SYSTEM WITHOUT COPYING IT, AND NOTIFY THE SENDER BY REPLY E-MAIL OR BY CALLING CROWLEY FLECK PLLP AT [406-252-3441](tel:406-252-3441), SO THAT OUR ADDRESS RECORD CAN BE CORRECTED.

This email has been scanned for email related threats and delivered safely by Mimecast. For more information please visit <http://www.mimecast.com>

**From:** Jim Ruby [mailto:[jim.ruby@wyo.gov](mailto:jim.ruby@wyo.gov)]

**Sent:** Monday, January 30, 2017 11:00 AM

**To:** andrew kuhlmann <[andrew.kuhlmann@wyo.gov](mailto:andrew.kuhlmann@wyo.gov)>; Isaac Sutphin <[insutphin@hollandhart.com](mailto:insutphin@hollandhart.com)>; Lynne Boomgaarden <[lboomgaarden@crowleyfleck.com](mailto:lboomgaarden@crowleyfleck.com)>

**Subject:** Brook

Hi Counsel:

Just a quick update the scheduling conference time has been tentatively changed to 10:30 a.m. on Thursday the 2nd of Feb. The hearing officer, Nick Agopian, would also like to have the hearing in Cheyenne if possible so if you have any objections to that please let me know.

Thanks

Jim

E-Mail to and from me, in connection with the transaction of public business, is subject to the Wyoming Public Records Act and may be disclosed to third parties.

E-Mail to and from me, in connection with the transaction of public business, is subject to the Wyoming Public Records Act and may be disclosed to third parties.

E-Mail to and from me, in connection with the transaction of public business, is subject to the Wyoming Public Records Act and may be disclosed to third parties.