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**BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING**

IN RE BROOK MINE APPLICATION)
TFN 6 2-025) DOCKET 17-4802

POWDER RIVER BASIN RESOURCE COUNCIL’S MOTION TO STRIKE

COMES NOW the Powder River Basin Resource Council (“Resource Council” or “PRBRC”) who hereby moves the Environmental Quality Council (“EQC” or “Council”) to strike Brook Mining Company, LLC’s (“Brook” or “applicant”) replies filed on June 30, 2017.

Brook’s replies should be stricken pursuant to Wyoming Rule of Civil Procedure 12(f) as “redundant.” The replies should also be stricken because they fail to comply with the Council’s June 13, 2017 Order (“Order”).

It is a common principle that in multiple party administrative law cases each party only gets a single brief, regardless of how many parties they are responding or replying to. All other parties followed this common principle and filed a single “reply.”¹ Brook, however, felt it necessary to file three separate reply briefs.

These briefs largely contain the same information. In fact, substantial portions of the briefs in reply to each of the objecting parties was copied and pasted into each brief. This makes Brook’s arguments clearly “redundant” under Rule 12(f).

¹ Big Horn Coal Co. correctly states that the briefs would normally be considered “response” briefs, not replies. However, the Council referred to them as a reply brief in its Order and thus that terminology is used here.

In the interest of judicial efficiency and fairness to the other parties, the Council should strike Brook's replies.

Respectfully submitted this 1st day of July, 2017.

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CERTIFICATE OF SERVICE

I hereby certify that on July 1, 2017, I served a copy of the foregoing **MOTION TO STRIKE** on the following parties by electronic mail, and through the EQC's electronic filing system, which will send a notice of electronic filing to all counsel and parties of record.

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