

FILED

Nov 23, 2009

**Jim Ruby, Executive Secretary
Environmental Quality Council**

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Sierra Club's Attorneys

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

IN THE MATTER OF:) Docket No. 09-2801
MEDICINE BOW FUEL & POWER,)
LLC AIR PERMIT CT-5873)

**SIERRA CLUB'S UNOPPOSED
MOTION TO FILE ITS STATEMENTS OF FACT IN SUPPORT OF SUMMARY
JUDGMENT OUT OF TIME**

Sierra Club inadvertently violated the EQC's requirement to submit a separate statement of facts in support of its summary judgment motion. *See, e.g.,*

W.R.Civ.P. 56.1. Although the statements of fact were incorporated into the body of the Club's memo, the convenience factor accruing from concisely asserting the facts in a single dedicated document are not realized in such a format and Counsel apologizes for this oversight.

Counsel for the Parties have conferred and do not object to allowing this motion for filing the Club's statements of fact out of time. Should the Council allow this filing, the Parties propose that the responses to the Club's statements of fact be due no later than 9 am December 4, 2009 to allow for their consideration during the pre-hearing conference set to occur at that time.

Respectfully submitted this 20th day of November, 2009.

/s/ Shannon Anderson
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CERTIFICATE OF SERVICE

I hereby certify that I have caused to be served a true and correct copy of the forgoing *Sierra Club's Unopposed Motion To File Its Statements Of Fact In Support Of Summary Judgment Out Of Time* and associated documents via electronic mail on this the 20th day of November, 2009 to the following:

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