

IN THE DISTRICT COURT IN AND FOR CAMPBELL COUNTY, WYOMING

ROGER D. PFEIL and LINDA JO  
PFEIL, husband and wife, for  
themselves and for their minor  
children, and JOSEPH M.  
GILSDORF and KARLA J. OKSANEN,

Petitioners,

vs.

AMAX COAL WEST, INC., a  
subsidiary of Cyprus AMAX Coal  
Company, and ENVIRONMENTAL  
QUALITY COUNCIL of the STATE  
OF WYOMING,

Respondents.

**FILED**

DEC 05 1994

Terri A. Lorenzon, Attorney  
Environmental Quality Council

Civil Action No. 10-19718

MOTION TO AMEND  
PETITION FOR REVIEW

Petitioners, Roger D. Pfeil and Linda Jo Pfeil, husband and wife, on behalf of themselves and their minor children ("Pfeils") and Joseph M. Gilsdorf ("Gilsdorf") and Karla J. Oksanen ("Oksanen"), by and through their undersigned attorneys, hereby move the Court for leave to submit an Amended Petition for Review in the above captioned matter. In support of this Motion, Petitioners assert the following:

1. The Petition for Review filed by the Petitioners on November 15, 1994, was proper in all respects except that it was 25 pages in length, rather than five (5) pages in length.

2. Respondents have objected to the length of the original Petition as not conforming with the rules because it exceeds five (5) pages in length.

3. Petitioners' time to appeal the original November 7, 1994 Order by the Environmental Quality Council, which serves as the basis of these proceedings, does not expire until December 7, 1994.

4. Petitioners will redraft and submit an amended Petition for Review that is no longer than five (5) pages in length, pursuant to the applicable rules on or before December 7, 1994.

5. No parties have been prejudiced by the filing of the original 25 page Petition for Review in a substantive way. The length of the Petition resulted from long and convoluted factual history of this matter and the numerous procedural, substantive and constitutional defects which will be issues in the appeal currently pending in this Court.

6. The mistake in submitting a Petition longer than five (5) pages was not intentional. If anything, responding parties have been given more information and record citation than they would normally get when such a Petition is filed. No one has been prejudiced by the longer Petition, except to the extent that it has required more time to read it. Petitioners apologize for any inconvenience this has caused.

7. Petitioners' counsel did not intentionally violate the rules and will gladly submit a short Petition so that the record is proper and contains a Petition for Review that does not exceed five (5) pages in length.

8. Since the time for appeal has not run, striking Petitioners' brief or rescheduling the proceedings that are currently before the Court would serve only to create more delay

and expense for all parties, and would not preclude the Petitioners from filing a shorter Petition for Review.

WHEREFORE, Petitioners, Roger D. Pfeil and Linda Jo Pfeil, husband and wife, on behalf of themselves and their minor children ("Pfeils") and Joseph M. Gilsdorf ("Gilsdorf") and Karla J. Oksanen ("Oksanen"), hereby request leave of Court to simply file an Amended Petition for Review in the above captioned matter on or before December 7, 1994.

DATED this 30th day of November, 1994.

DAVIS and CANNON

By:



Anthony T. Wendtland  
Attorney for Petitioners  
P. O. Box 728  
Sheridan, Wyoming 82801  
(307) 672-7491

CERTIFICATE OF SERVICE

I, Anthony T. Wendtland, attorney for the Petitioners in the above-entitled and numbered cause do hereby certify that on the 30th day of November, 1994, I caused a true and correct copy of the Motion to Amend Petition for Review to be served by facsimile transmission to:

|                             |          |
|-----------------------------|----------|
| Marilyn S. Kite             | 739-9744 |
| Terri A. Lorenzon, Attorney | 777-6005 |
| Thomas A. Roan              | 777-6869 |
| Mary Guthrie                |          |

and by placing the same in the United States mail, postage prepaid at Sheridan, Wyoming, to:

Mr. Steven R. Youngbauer  
Amax Coal West, Inc.  
P.O. Box 3039  
Gillette, WY 82717-3039

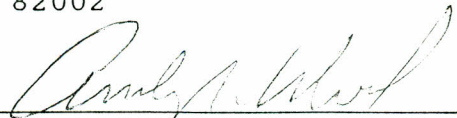
Mr. Dennis Hemmer, Director  
Department of Environmental Quality  
122 West 25th Street, Herschler Building  
Cheyenne, Wyoming 82002

Richard Chancellor, Acting Administrator  
Land Quality Division  
Department of Environmental Quality  
122 West 25th Street, Herschler Building  
Cheyenne, Wyoming 82002

Marilyn S. Kite  
Holland & Hart  
P. O. Box 68  
Jackson, Wyoming 83001

Terri A. Lorenzon, Attorney  
Environmental Quality Council  
2301 Central Avenue, Room 407  
Cheyenne, Wyoming 82002

Thomas A. Roan  
Mary Guthrie  
Assistant Attorney General  
Attorney General's Office  
123 Capitol Building  
Cheyenne, Wyoming 82002

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