

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA
Wheeling**

| | | |
|------------------------------------|---|---------------------------------------|
| MURRAY ENERGY CORPORATION, et al., |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | Civil Action No. 5:14-CV-00039 |
| |) | Judge Bailey |
| GINA McCARTHY, Administrator, |) | |
| UNITED STATES ENVIRONMENTAL |) | |
| PROTECTION AGENCY, acting in her |) | |
| Official Capacity, |) | |
| |) | |
| Defendants. |) | |

UNOPPOSED MOTION TO MODIFY TRIAL DATE

Murray Energy Corporation, et al. (“Murray Energy”) (collectively, the “Plaintiffs”) respectfully request a one week modification of the current trial date to avoid a scheduling conflict arising from prior commitments of Plaintiffs’ client representative and witness, Robert E. Murray, during the Republican National Convention the week of July 18, 2016.

In support of this motion, Plaintiffs state:

- 1) Pursuant to a joint motion of the parties, the Court extended the current case management deadlines on December 23, 2015 and set trial for July 19, 2016. Order, Doc. 172 (Dec. 23, 2015).
- 2) Robert E. Murray is the Chief Executive Officer and Chairman of the Board of Plaintiff Murray Energy Corporation.
- 3) Mr. Murray will serve as Plaintiffs’ client representative at trial and will be one of Plaintiffs’ principal witnesses.
- 4) Mr. Murray is a very active member of the Republican Party, both nationally and in Ohio, where Murray Energy Corporation is based.

- 5) Mr. Murray is a member of the host committee for the Republican National Convention, which scheduled to take place in Cleveland, Ohio, from July 18, 2016 to July 21, 2016.
- 6) As a member of the host committee, Mr. Murray has commitments that require him to be in Cleveland, Ohio throughout the week of July 18.
- 7) Mr. Murray is available both the week prior to and the week following the Republican National Convention.
- 8) No party will be prejudiced in any matter by the requested change in trial date. Trial is over five months from now. Plaintiffs have been working cooperatively with Defendant to complete discovery and anticipate being prepared for trial following the currently-schedule final pretrial conference.
- 9) On the other hand, Plaintiffs will be prejudiced if the trial date is not moved because their client representative and one of their principal witnesses will be unavailable.
- 10) Counsel for Plaintiffs has contacted counsel for Defendant and is authorized to state that Defendant does not oppose this motion on condition that trial not occur before July 19, 2016, as Defendant believes the parties need at least one week, as presently provided in the schedule, to prepare for trial after the final pretrial conference.

WHEREFORE, Plaintiffs respectfully requests that this Court modify the trial date in this matter by moving the trial date one week or to such other date as is convenient to the Court after July 22, 2016.

DATED: January 22, 2016

Respectfully Submitted,

/s/ Jacob A. Manning

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| |) | |
| Defendants. |) | |

CERTIFICATE OF SERVICE

I, Jacob A. Manning, hereby certify that I electronically filed the foregoing with the Clerk of the court using the CM/ECF system, which will cause a copy to be served upon counsel of record.

/s/ Jacob A. Manning
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