

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

MURRAY ENERGY CORPORATION, et al.,	)	
	)	
Plaintiffs,	)	
	)	<b>Civil Action No. 5:14-CV-00039</b>
v.	)	<b>Judge Bailey</b>
	)	
GINA MCCARTHY, Administrator,	)	
United States Environmental Protection Agency,	)	
	)	
Defendant.	)	

**NOTICE OF APPEAL**

Notice is hereby given that the United States, on behalf of Defendant Gina McCarthy, Administrator, United States Environmental Protection Agency, acting in her official capacity and the defendant in the above named civil action, hereby appeals to the United States Court of Appeals for the Fourth Circuit from the Memorandum Opinion and Order Denying the United States' New Motion for Summary Judgment and Granting Summary Judgment in Favor of the Plaintiffs, ECF No. 293, entered in this action on October 17, 2016.

DATED: December 16, 2016

Respectfully Submitted,

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U.S. Department of Justice  
Environment & Natural Resources Division

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	)	<b>Judge Bailey</b>
GINA McCARTHY, Administrator,	)	
UNITED STATES ENVIRONMENTAL	)	
PROTECTION AGENCY, acting in her	)	
official capacity,	)	
	)	
Defendant.	)	
_____	)	

**CERTIFICATE OF SERVICE**

I, Erin Carter Tison, hereby certify that on this 16th day of December, 2016, the foregoing United States' Notice of Appeal was served using the CM/ECF system, which will cause a copy to be served upon counsel of record.

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