

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

**MURRAY ENERGY CORPORATION,  
MURRAY AMERICAN ENERGY, INC.,  
THE AMERICAN COAL COMPANY,  
AMERICAN ENERGY CORPORATION,  
THE HARRISON COUNTY COAL COMPANY,  
KENAMERICAN RESOURCES, INC., THE  
MARION COUNTY COAL COMPANY, THE  
MARSHALL COUNTY COAL COMPANY,  
THE MONONGALIA COUNTY COAL  
COMPANY, OHIOAMERICAN ENERGY  
INC., THE OHIO COUNTY COAL COMPANY,  
and UTAHAMERICAN ENERGY, INC.,**

Plaintiffs,

v.

**Civil Action No. 5:14-CV-39**  
Judge Bailey

**GINA McCARTHY**, Administrator,  
United States Environmental Protection  
Agency, in her official capacity,

Defendant.

**ORDER DENYING MOTION TO INTERVENE  
AND ADMINISTRATIVELY CLOSING CASE**

Pending before this Court is the Motion for Leave to Intervene in Support of Defendant [Doc. 300], filed by Mon Valley Clean Air Coalition, Ohio Valley Environmental Coalition, and Keeper of the Mountains Foundation, West Virginia-based non-governmental organizations (WV NGO's), in which the movants seek to intervene to resist a portion of the relief which the plaintiffs seek, namely that this Court enjoin EPA from issuing new regulations and that it stay "pending" regulations pending the evaluations required by Section 321(a) of the Clean Air Act. 42 U.S.C. § 7621(a).

In response, the EPA has taken the position that the Movants are not entitled to intervene as of right under Fed. R. Civ. P. 24(a) because they have not established that the defendant does not adequately represent their stated interests in this litigation [Doc. 308]. The plaintiffs have opposed the requested intervention [Doc. 309].

This Court finds that the Motion should be denied as moot. On January 11, 2017, this Court entered its Final Order [Doc. 314]. The Order expressly declined to grant certain aspects of the relief sought by the plaintiffs and opposed by the EPA and the Movants. The Court ruled that this Court would not enjoin EPA from issuing new regulations and that it would not stay “pending” regulations pending the evaluations required by Section 321(a) of the Clean Air Act, based upon the strictures of § 321(d).

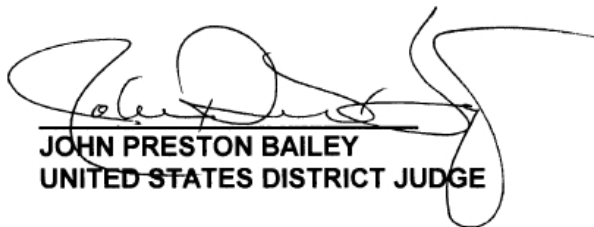
Accordingly, the Motion for Leave to Intervene in Support of Defendant [**Doc. 300**], filed by Mon Valley Clean Air Coalition, Ohio Valley Environmental Coalition, and Keeper of the Mountains Foundation, West Virginia-based non-governmental organizations (WV NGO’s), is **DENIED AS MOOT**.

As a final matter, this Court **ORDERS** the Clerk to **CLOSE** this civil action. This Court shall retain jurisdiction over the parties hereto only for the purpose of supervising the implementation and enforcement of this Court’s January 11, 2017, Final Order [Doc. 314].

It is so **ORDERED**.

The Court directs the Clerk to transmit copies of this Order to counsel of record.

**DATED:** January 17, 2017.

  
**JOHN PRESTON BAILEY**  
**UNITED STATES DISTRICT JUDGE**