

**UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT**

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WILDEARTH GUARDIANS; HIGH  
COUNTRY CONSERVATION  
ADVOCATES; CENTER FOR  
BIOLOGICAL DIVERSITY; SIERRA  
CLUB; WILDERNESS WORKSHOP,

Petitioners - Appellees,

v.

DAVID L. BERNHARDT, in his official  
capacity as United States Secretary of the  
Interior; UNITED STATES OFFICE OF  
SURFACE MINING RECLAMATION  
AND ENFORCEMENT; JOSEPH  
BALASH, in his official capacity as  
Assistant Secretary of Land and Minerals  
Management, U.S. Department of Interior;  
GLENDA OWENS, in her official capacity  
as Acting Director of U.S. Office of  
Surface Mining Reclamation and  
Environment; DAVID BERRY, in his  
official capacity as Regional Director of  
U.S. Office of Surface Mining Western  
Region,

Respondents - Appellants.

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MOUNTAIN COAL COMPANY, LLC,

Intervenor - Respondent.

No. 20-1011  
(D.C. No. 1:19-CV-01920-RBJ)

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**MOTION FOR VOLUNTARY DISMISSAL**

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The undersigned moves the Court to dismiss this appeal with prejudice pursuant to Rule 42(b), Federal Rules of Appellate Procedure. Each party has agreed to bear their own costs on appeal, if any have been incurred.

Respectfully submitted,

s/ John Emad Arbab

JOHN EMAD ARBAB, Esq.

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### CERTIFICATE OF DIGITAL SUBMISSION

In accordance with the court's CM/ECF User's Manual, I hereby certify that all required privacy redactions have been made. In addition, I certify that the hard copies of this pleading that may be required to be submitted to the court are exact copies of the ECF filing, and the ECF submission has been scanned for viruses with the most recent version of a commercial virus scanning program (Windows Defender Security, version: 1.311.96.0, last updated: Feb. 26, 2020) and, according to the program, is free of viruses.

### CERTIFICATE OF SERVICE

I hereby certify that on February 26, 2020, a true and correct copy of the foregoing **Motion for Voluntary Dismissal** was sent to the persons listed below in the manner indicated (check box):

Samantha Ruscavage-Barz  
Daniel Timmons  
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- by U.S. mail;
- by third-party commercial carrier for delivery within 3 calendar days;
- by personal delivery, including delivery to a responsible person at the office of counsel;
- by digital submission via the 10<sup>th</sup> Circuit Court's ECF program.

s/ John Emad Arbab  
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