

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

Civil Action No. 17-cv-3025-PAB

HIGH COUNTRY CONSERVATION ADVOCATES, et al.,

Plaintiffs/Petitioners,

v.

UNITED STATES FOREST SERVICE, et al.,

Federal Defendants/Respondents, and

MOUNTAIN COAL COMPANY, LLC,

Respondent/Defendant-Intervenor.

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**PLAINTIFFS' REPLY IN SUPPORT OF MOTION TO EXPEDITE CONSIDERATION  
OF PLAINTIFFS' EMERGENCY MOTION TO ENFORCE REMEDY**

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The U.S. Forest Service et al. (Federal Defendants) and Mountain Coal Company (Mountain Coal) take no position on Plaintiffs High Country Conservation Advocates et al.'s (Conservation Groups) Motion to Expedite Consideration of Plaintiffs' Emergency Motion to Enforce Remedy, ECF No. 94. Mountain Coal's response to that motion states that "[w]ork related to SS2 is not expected to begin until at least October 2, 2020." ECF No. 97 at 1–2. But nothing prohibits Mountain Coal from bulldozing drilling pads and drilling methane ventilation boreholes at any time.

Conservation Groups have well-founded concerns that Mountain Coal may commence, and complete, such construction before this Court rules on the merits of their Emergency Motion to Enforce Remedy, ECF No. 77. As previously explained, Mountain Coal bulldozed a nearly 4,000-foot illegal road through the Sunset Roadless Area in only two days. ECF No. 94 at 2.

Conservation Groups' counsel inquired as to whether Mountain Coal would commit to no construction until October 2 and, in the alternative, to provide Conservation Groups with three business days'-notice before construction begins. Mountain Coal declined to do either.

Accordingly, Conservation Groups respectfully request that this Court rule on Conservation Groups' Emergency Motion to Enforce Remedy as soon as possible, mindful that Plaintiffs will be irreparably harmed if an order is not issued by October 2.

Respectfully submitted September 24, 2020,

/s/ Robin Cooley

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**CERTIFICATE OF SERVICE**

I hereby certify that on September 24, 2020, I filed the foregoing **PLAINTIFFS' REPLY IN SUPPORT OF MOTION TO EXPEDITE CONSIDERATION OF PLAINTIFFS' EMERGENCY MOTION TO ENFORCE REMEDY** with the Court's electronic filing system, thereby generating service upon the following parties of record:

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