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*Attorneys for Defendant-Intervenor  
Cloud Peak Energy Inc.*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

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WESTERN ORGANIZATION OF )  
RESOURCE COUNCILS, MONTANA )  
ENVIRONMENTAL INFORMATION )  
CENTER, POWDER RIVER BASIN )  
RESOURCE COUNCIL, NORTHERN )  
PLAINS RESOURCE COUNCIL, )  
SIERRA CLUB, and NATURAL )  
RESOURCES DEFENSE COUNCIL, )

Plaintiffs, )

v. )

U.S. BUREAU OF LAND )  
MANAGEMENT, an agency within the )  
U.S. Department of the Interior, RYAN )

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Case No. CV 16-21-GF-BMM

**NOTICE OF APPEAL**

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ZINKE, in his official capacity as )  
Secretary of the U.S. Department of the )  
Interior, MICHAEL NEDD, in his )  
official capacity as Acting Director of )  
the Bureau of Land Management, and )  
KATHARINE MACGREGOR, in her )  
official capacity as Acting Assistant )  
Secretary of Land and Minerals )  
Management of the U.S. Department of )  
the Interior, )  
 )  
Defendants, )  
 )  
and )  
 )  
STATE OF WYOMING, CLOUD )  
PEAK ENERGY INC., PEABODY )  
CABALLO MINING, LLC, and BTU )  
WESTERN RESOURCES, INC., )  
 )  
Defendant-Intervenors. )

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Please take notice that Intervenor-Defendant, Cloud Peak Energy Inc., hereby appeals to the U.S. Court of Appeals for the Ninth Circuit from the District Court’s March 26, 2018, Opinion and Amended Order granting in part and denying in part Plaintiffs’ motion for summary judgment, Federal Defendants’ cross-motion for summary judgment, and Intervenor-Defendants’ cross-motion for summary judgment (ECF No. 111); the District Court’s July 31, 2018, Order on Remedy (ECF No. 124); and the District Court’s August 1, 2018, Judgment (ECF No. 125).

Respectfully submitted this 15th day of October, 2018.

*/s/ Andrew C. Emrich*

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*/s/ William W. Mercer*

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Billings, MT 59103-0639

*Attorneys for Defendant-Intervenor*

*Cloud Peak Energy Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on October 15, 2018, I electronically filed the foregoing document, Intervenor-Defendant Cloud Peak Energy Inc.'s Notice of Appeal, with the clerk of the court for the United States District Court for the District of Montana using the CM/ECF system, which will provide service to counsel for the parties.

*/s/ Andrew C. Emrich*

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Andrew C. Emrich

*Attorney for Defendant-Intervenor*

*Cloud Peak Energy Inc.*

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