

NOTE: This disposition is nonprecedential.

## United States Court of Appeals for the Federal Circuit

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ARACOMA COAL COMPANY, BANDMILL COAL CORPORATION, SPARTAN MINING COMPANY, STIRRAT COAL COMPANY, BLACK STALLION COAL COMPANY, LLC, COYOTE COAL COMPANY, LLC, DODGE HILL MINING COMPANY, LLC, HIGHLAND MINING COMPANY, LLC, KANAWHA EAGLE COAL, LLC, PANTHER, LLC, JUPITER HOLDINGS, LLC, REMINGTON, LLC, WILDCAT, LLC, CONSOL ENERGY, INC., CONSOLIDATION COAL COMPANY, CONSOL OF PENNSYLVANIA COAL COMPANY, CONSOL OF KENTUCKY INC., EIGHTY FOUR MINING COMPANY, HELVETIA COAL COMPANY, ISLAND CREEK COAL COMPANY, KENT COAL MINING COMPANY, LAUREL RUN MINING COMPANY, NINEVAH COAL COMPANY, EAGLE ENERGY, INC., ELK RUN COAL COMPANY, INC., GOALS COAL COMPANY, GREEN VALLEY COAL COMPANY, INDEPENDENCE COAL COMPANY, INC., KNOX CREEK COAL CORPORATION, MARKFORK COAL COMPANY, INC., MARTIN COUNTY COAL CORPORATION, PEERLESS EAGLE COAL COMPANY, PERFORMANCE COAL COMPANY, RAWL SALES & PROCESSING, CO., SIDNEY COAL COMPANY, INC., STONE MINING COMPANY, APOGEE COAL, COVENANT COAL CORP., JIM WALTER RESOURCES, INC., ALEX ENERGY, INC., DELBARTON MINING COMPANY, COLONY BAY COAL COMPANY, LOGAN FORK COAL COMPANY, PINE RIDGE COAL COMPANY, RIVERS EDGE

MINING, INC., ANDALEX RESOURCES, INC.,  
ARCH WESTERN RESOURCES, LLC, CANYON  
FUEL COMPANY, LLC, CATENARY COAL  
COMPANY N/K/A CATENARY COAL COMPANY,  
LLC, CLINTWOOD ELKHORN MINING COMPANY,  
COAL-MAC, INC., COASTAL COAL COMPANY, LLC  
N/K/A ENTERPRISE MINING COMPANY, LLC,  
COASTAL COAL-WEST VIRGINIA, LLC N/K/A  
BROOKS RUN MINING COMPANY, LLC, DAL-TEX  
COAL CORPORATION, EASTERN ASSOCIATED  
COAL CORPORATION N/K/A EASTERN  
ASSOCIATED COAL, LLC, EVERGREEN MINING  
COMPANY, GATLIFF COAL COMPANY, GENWAL  
RESOURCES, INC., GLAMORGAN COAL  
COMPANY, LLC, HOBET MINING, INC., N/K/A  
HOBET MINING, LLC, KEYSTONE COAL MINING  
CORPORATION, KINGSTON RESOURCES, INC.,  
MCELROY COAL COMPANY, MINGOLOGAN COAL  
CO., MOUNTAINEER COAL DEVELOPMENT  
COMPANY, NICHOLAS-CLAY COMPANY, LLC,  
N/K/A AMVEST WEST VIRGINIA COAL, LLC,  
NICHOLAS-CLAY LAND & MINERAL, INC., OLD  
BEN COAL COMPANY, PACIFIC COAST COAL  
COMPANY, PAYNTER BRANCH MINING, INC.,  
PERRY COUNTY COAL CORPORATION, PIONEER  
FUEL CORPORATION, PLATEAU MINING  
CORPORATION, PREMIER ELKHORN COAL  
COMPANY, QUARTO MINING COMPANY, RAG  
CUMBERLAND RESOURCES, L.P. N/K/A  
CUMBERLAND COAL RESOURCES, L.P., RAG  
EMERALD RESOURCES, L.P., N/K/A EMERALD  
COAL RESOURCES, L.P., RIVERSIDE ENERGY,  
INC. N/K/A AMCI HOLDINGS, INC., SHIPYARD  
RIVER COAL TERMINAL COMPANY, TERRY  
EAGLE L.P., UNITED STATES STEEL MINING  
COMPANY LLC, USIBELLI COAL MINE, INC.,  
VIRGINIA CREWS COAL COMPANY, AND WEST  
RIDGE RESOURCES, INC.,

*Plaintiffs-Appellants,*

AND

**POWDER RIVER COAL COMPANY, PEABODY  
HOLDING COMPANY, INC., MID-VOL LEASING,  
INC., AND TWENTYMILE COAL COMPANY,**  
*Plaintiffs-Appellants,*

v.

**UNITED STATES,**  
*Defendant-Appellee.*

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**CLINCHFIELD COAL COMPANY, ELKAY MINING  
COMPANY, HEARTLAND COAL COMPANY,  
HOLSTON MINING COMPANY, MEADOW RIVER  
COAL COMPANY, MOTIVATION COAL COMPANY,  
PARAMONT COAL CORPORATION, PYXIS  
RESOURCES CORPORATION, RANGER FUEL  
CORPORATION, AND SEA B MINING COMPANY,**  
*Plaintiffs-Appellants,*

v.

**UNITED STATES,**  
*Defendant-Appellee.*

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**MINGO LOGAN COAL COMPANY,**  
*Plaintiff-Appellant,*

v.

**UNITED STATES,**

*Defendant-Appellee.*

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**RED RIVER COAL COMPANY, INC.**  
*Plaintiff-Appellant,*

**v.**

**UNITED STATES,**  
*Defendant-Appellee.*

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**EAGLEHAWK CARBON, INC., MOSSY EAGLE  
LIMITED LIABILITY CO., ROCKSPRING  
DEVELOPMENT, INC., TWIN STAR MINING INC.,  
WHITE FLAME ENERGY, INC., KANAWHA EAGLE  
LIMITED LIABILITY COMPANY, AND KANAWHA  
EAGLE COAL, LLC,**  
*Plaintiffs-Appellants,*

**v.**

**UNITED STATES,**  
*Defendant-Appellee.*

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2012-5090, -5091, -5092, -5093, -5094, -5095, -5121, -5133,  
-5134, 2013-5013

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Appeals from the United States Court of Federal  
Claims in Nos. 09-CV-734, 09-CV-770, 05-CV-1284, 07-  
CV-266, 05-CV-929, 05-CV-1211, 02-CV-069, 00-CV-0761,  
01-CV-0441, and 01-CV-0443, Senior Judge Bohdan A.  
Futey, Judge Lynn J. Bush, Judge Francis M. Allegra,

Judge George W. Miller, and Judge Mary Ellen Coster Williams.

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**JUDGMENT**

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STEVEN HARLAN BECKER, Becker Law Firm, PLLC, of New York, New York argued for all plaintiff-appellants. On the brief were LINDSAY A. MINNIS, Baker & McKenzie, LLP, of New York, New York, for plaintiffs-appellants Aracoma Coal Company, et al. and Mingo Logan Coal Company; JOHN YATES MERRELL, JR., Merrell & Merrell, P.C., of McLean, Virginia, for plaintiff-appellant, Red River Coal Company, Inc.; and ROBERT M. ROLFE, Hunton & Williams LLP, of Richmond, Virginia, for plaintiffs-appellants, Clinchfield Coal Company, et al.

TARA K. HOGAN, Trial Attorney, Commercial Litigation Branch, Civil Division, United States Department of Justice, of Washington, DC, argued for defendant-appellee. With her on the brief were STUART F. DELERY, Principal Deputy Assistant Attorney General, JEANNE E. DAVIDSON, Director, and TODD M. HUGHES, Deputy Director.

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THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (NEWMAN, BRYSON, and PROST, *Circuit Judges*).

**AFFIRMED. See Fed. Cir. R. 36.**

ENTERED BY ORDER OF THE COURT

July 22, 2013  
Date

/s/ Daniel E. O'Toole  
Daniel E. O'Toole  
Clerk