

NOTE: This order is nonprecedential.

## United States Court of Appeals for the Federal Circuit

2009-5083

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, KEYSTONE COAL MINING CORPORATION, LAUREL RUN MINING COMPANY, MCELROY COAL COMPANY, NINEVAH COAL COMPANY, QUARTO MINING COMPANY, EAGLE ENERGY, INC., ELK RUN COAL COMPANY, INC., GOALS COAL COMPANY, GREEN VALLEY COAL COMPANY, INDEPENDENCE COAL COMPANY, INC., KNOX CREEK COAL CORPORATION, MARFORK COAL COMPANY, INC., MARTIN COUNTY COAL CORPORATION, PEERLESS EAGLE COAL COMPANY, PERFORMANCE COAL COMPANY, RAWL SALES & PROCESSING, SIDNEY COAL COMPANY, INC., STONE MINING COMPANY, JIM WALTER RESOURCES, INC., EASTERN ASSOCIATED COAL CORP., KINGSTON RESOURCES, INC., PIONEER FUEL CORPORATION, and POWDER RIVER COAL COMPANY,

Plaintiffs-Appellants,

and

WELLMORE ENERGY COMPANY, LLC  
(formerly known as Rapoca Energy Company, LLC),

Plaintiff-Appellant,

v.

UNITED STATES,

Defendant-Appellee.

Appeal from the United States Court of Federal Claims in 01-CV-254 and  
01-CV-442, Senior Judge Bohdan A. Futey.

ON MOTION

ORDER

Consolidation Coal et al. move without opposition for an extension of time, until August 17, 2009, to file their brief.

The court notes that several entities listed in the notice of appeal and in entries of appearance do not appear on the docket sheet of the United States Court of Federal Claims and thus are not listed in this court's caption. It is not clear whether these entities were involved in the litigation in the trial court. The parties are:

Apogee Coal Company  
Arch Western Resources, LLC  
Canyon Fuel Company, LLC  
Catenary Coal Company  
Coal-Mac, Inc.  
Dal-Tex Coal Corporation  
Hobet Mining, Inc.  
Mingo Logan Coal Co.  
Paynter Branch Mining, Inc.  
Plateau Mining Corporation  
Rag Cumberland Resources, L.P.  
Rag Emerald Resources, L.P.  
Twentymile Coal Company  
Coastal Coal Company, LLC  
Coastal Coal-West Virginia, LLC  
Evergreen Mining Company  
Mid-Vol Leasing, Inc.  
Mountaineer Coal Development Company  
Old Ben Coal Company  
Shipyard River Coal Terminal Company  
Riverside Energy, Inc.  
Virginia Crews Coal Company  
Clintwood Elkhorn Mining Company  
Gatliff Coal Company  
Premier Elkhorn Coal Company  
Perry County Coal Corporation  
Glamorgan Coal Company, LLC  
Terry Eagle, L.P.  
Nicholas-Clay Land & Mineral, Inc.  
Nicholas-Clay Company, LLC  
Andalex Resources, Inc.  
Genwal Resources, Inc.  
Pacific Coast Coal Company  
Usibelli Coal Mine, Inc.  
West Ridge Resources, Inc.  
United States Steel Mining Company, LLC  
Covenant Coal Corporation

In addition, although Powder River Coal Company is not listed on the trial court's docket sheet as a party, the court notes that Powder River was added as a plaintiff on July 23, 2001. Thus, the court's official caption is revised to add Powder River Coal Company as a plaintiff-appellant.

Accordingly,

IT IS ORDERED THAT:

- (1) The motion for an extension of time is granted.
- (2) The official caption is revised to add Powder River Coal Company as a plaintiff-appellant.
- (3) The appellants are directed to respond within 14 days of the date of filing of this order whether the above-listed entities were part of the case in the trial court; if they were, the appellants should provide documentation to that effect.

FOR THE COURT

JUL 21 2009

Date

/s/ Jan Horbaly

Jan Horbaly  
Clerk

cc: Steven H. Becker, Esq.  
John Y. Merrell, Jr., Esq.  
Tara K. Hogan, Esq.

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**FILED**  
U.S. COURT OF APPEALS FOR  
THE FEDERAL CIRCUIT

JUL 21 2009

JAN HORBALY  
CLERK