

NOTE: This order is nonprecedential.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, POWDER RIVER COAL COMPANY, 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, and COVENANT COAL CORPORATION,

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. (Consolidation Coal) respond to the court's order directing them to respond whether the entities listed below were involved in the litigation in the trial court. Consolidation Coal also moves for an extension of time, until August 31, 2009, to file its brief.

Consolidation Coal states that the entities listed below were involved in the litigation in the trial court and submits supporting documentation. Thus, the court reforms the caption to add the following parties as plaintiffs-appellants:

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

Accordingly,

IT IS ORDERED THAT:

- (1) The caption is revised to add the above-listed parties as plaintiffs-appellants. The revised official caption is reflected above.
- (2) The motion for an extension of time is granted.

FOR THE COURT

AUG 13 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

AUG 13 2009

JAN HORBALY
CLERK