

STATE OF INDIANA)

IN THE MARION SUPERIOR COURT

COUNTY OF MARION)

) SS:

CAUSE NO. 49D02-1705-MI-020085

HOOSIER ENVIRONMENTAL COUNCIL,
and SIERRA CLUB,

Petitioners,

v.

INDIANA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT,
INDIANA OFFICE OF ENVIRONMENTAL
ADJUDICATION, and LIBERTY MINE, LLC,

Respondents.

FILED

July 10, 2017

Myra A. Eldridge
CLERK OF THE COURT
MARION COUNTY
CB

ORDER GRANTING MOTION TO DISMISS JUDICIAL REVIEW PROCEEDING

This matter comes before the Court on the motion of Liberty Mine, LLC to dismiss this judicial review proceeding due to Petitioners' failure to timely file the agency record as required by statute. The legal precedents addressing this issue leave no doubt that the failure by Hoosier Environmental Council and Sierra Club to timely file the agency record, or to seek additional time in which to do so, must result in this appeal being dismissed.

This Court, having considered the motion, and being duly advised, finds that the bright-line rule established by the Indiana Supreme Court requires that this appeal be dismissed.

So **ORDERED** this ____ day of **July 10, 2017**, 2017.



Judge, Marion County Superior Court

Copies to:

Recommended for Approval

All Counsel of Record

Theresa Hannah

Commissioner