

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

STATE OF NORTH DAKOTA,)	
)	
Petitioner,)	
)	
v.)	Case No. 1:16-cv-02478
)	
UNITED STATES DEPARTMENT OF)	
THE INTERIOR; SALLY JEWELL, in her)	
official capacity as Secretary of the Interior;)	
OFFICE OF SURFACE MINING)	
RECLAMATION AND ENFORCEMENT;)	
and JOSEPH PIZARCHIK, in his official)	
capacity as Director of the Office of Surface)	
Mining Reclamation and Enforcement,)	
)	
Respondents.)	

NOTICE TO COURT CONCERNING RELATED CASE ISSUES

Petitioner State of North Dakota filed this case, which challenges the validity of a Final Rule issued by an agency of the U.S. Department of Interior, on the day the Final Rule was published in the Federal Register, December 20, 2016.

Undersigned counsel for North Dakota has learned that Murray Energy Corp. (“Murray”) subsequently (on December 22, 2016) filed a case challenging the same Final Rule, Case No. 16-2506, and in a Notice of Related Case filed with that case, alleged that its Rule challenge case was related to both i) a pre-existing case Murray filed under the Freedom of Information Act, Case No. 15-1620, and ii) this case. As a result of Murray’s allegation that its Rule challenge case is related to its pre-existing FOIA case, the Rule challenge case was assigned to Senior Judge Lamberth, who has been handling the FOIA case.

North Dakota has reviewed the docket in Murray's FOIA case (No. 15-1620) and Murray's Complaint and Notice of Related Cases in Murray's Rule challenge case (No. 16-2506). As a result, North Dakota agrees that Murray's Rule challenge case (No. 16-2506) is related to this case, but strongly disputes that Murray's Rule challenge case is related to Murray's pre-existing FOIA case in any meaningful way. That is particularly so because Murray's Rule challenge case could not even be filed until the Final Rule was published in the Federal Register on December 20, 2016. Therefore, since North Dakota's challenge to the Final Rule in this case was filed before Murray's Rule challenge case was filed, this case should be deemed the "oldest related case" for assignment purposes under LCvR 40.5 9(c).

Dated: December 27, 2016

Respectfully submitted,

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/s/ Paul M. Seby

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CERTIFICATE OF SERVICE

I hereby certify that I filed the foregoing **NOTICE TO COURT CONCERNING RELATED CASE ISSUES** was filed with the U.S. District Court for the District of Columbia on December 27, 2016, via the Court's CM/ECF system, and I will cause a true copy of the foregoing to be served via U.S. mail on the 20th day of December, 2016, upon the following:

Hon. Sally Jewell
Secretary of the Interior
U.S. Department of the Interior
1849 C Street, NW
Washington, DC 20240

Hon. Joseph Pizarchik
Director
Office of Office of Surface Mining Reclamation and Enforcement
1951 Constitution Avenue, NW
Washington, DC 20240

Hon. Loretta E. Lynch
Attorney General of the United States
United States Department of Justice
950 Pennsylvania Ave., N.W.
Washington, DC 20530-0001

/s/ Paul M. Seby

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State of North Dakota
Counsel for Petitioner State of North Dakota