

Colorado Court of Appeals 2 East 14 th Avenue Denver, CO 80203	
Plaintiff Petitioner: <u>Center for Biological Diversity and Sierra Club</u> , <div style="text-align: center;"><input checked="" type="checkbox"/> Appellant or <input type="checkbox"/> Appellee</div> & Defendant Respondent: <u>CO Dept. of Public Health & Env., Air Pollution Control Div.</u> <div style="text-align: center;"><input type="checkbox"/> Appellant or <input checked="" type="checkbox"/> Appellee </div>	▲ FOR COURT USE ▲
My Name: <u>Ashley Bruner, 46252</u> Street Address: <u>P.O. Box 1178</u> City: <u>Flagstaff</u> State: <u>AZ</u> Zip: <u>86002</u> Phone: <u>928-666-0731</u> E-Mail: <u>abruner@biologicaldiversity.org</u>	Court of Appeals Case Number: _____ District Court Case Number: <u>19CV30048</u> County: <u>Moffat</u>
<h2 style="margin: 0;">Notice of Appeal</h2>	

1. Final Order on Appeal

- I am appealing the final order issued on *(date)* 10/21/2020.
- This appeal is filed pursuant to Colorado Appellate Rule (C.A.R.) 3.

2. Magistrate Order?

- ☐ Check here if your case was decided by a magistrate.

3. More Time to Appeal?

- ☐ Check here if you asked for more time to start the appeal.

4. Post-Trial Motions?

Did any party file a timely post-trial motion? *(Check one)*

- ☒ No.

OR

- ☐ Yes. A post-trial motion was filed on: *(date)* _____.
The order deciding this motion was issued on: *(date)* _____.

5. Possible Issues on Appeal

What Issues are you considering discussing in your Opening Brief?
(list one or two)

- Whether the district court erred in affirming the Division's issuance of a Clean Air Act minor source construction permit for the Colowyo Mine's Collum expansion where the expansion is a major source of air pollution.
-

6. Transcript Needed?

Will you be purchasing a transcript for the appeal? *(Check one)*

- ☐ No.

OR

- ☒ Yes. A transcript is necessary to review the Issues on Appeal.
 - I will file a [Designation of Transcripts - C.A.R. Form 8](#),
 - With the District Court clerk's office within 7 days.

7. Party Information

Provide information of the people responding to the appeal.

- Name of Responding Party: CO Dept. of Public Health & Environment.
 - **This party:** *(Check one)* ☒ does | ☐ does not - have a lawyer.
 - **Lawyer Name:** *(if any)* Jaclyn M. Calicchio.
Registration Number: 51139.
Name of Law Firm: Office of the Colorado Attorney General.
 - **Party Contact Information:** *(Or the lawyer's, if represented.)*
Street Address: 1300 Broadway, 7th Floor
City: Denver State: CO Zip: 80203
Phone Number: 720-508-6250.
E-Mail Address: jackie.calicchio@coag.gov.
- Name of Responding Party: _____.
 - **This party:** *(Check one)* ☐ does | ☐ does not - have a lawyer.
 - **Lawyer Name:** *(if any)* _____.
Registration Number: _____.
Name of Law Firm: _____.
 - **Party Contact Information:** *(Or the lawyer's, if represented.)*
Street Address: _____
City: _____ State: _____ Zip: _____
Phone Number: _____.
E-Mail Address: _____.

8. Attachments

Please see the documents I attached to this notice:

- A copy of the final order I am appealing.
- Any motion for post-trial relief.
- The \$223 filing fee. *(Or, a District Court Order - JDF 206 waiving that fee)*

9. Copies Delivered

I certify that on *(date)* December 8, 2020, I *(check one)*

☒ mailed | ☐ hand delivered

a copy of this document to:

- 1) Moffat County District Court:
Street Address: 221 West Victory Way, Suite 300
City: Craig State: CO Zip: 81625
- 2) Responding Party Name: CO Dept. of Public Health & Environment
Attorney Name: *(if any)* Jaclyn M. Calicchio
Address: 1300 Broadway, 7th Floor
City: Denver State: CO Zip: 80203
- 3) Responding Party Name: _____
Attorney Name: *(if any)* _____
Address: _____
City: _____ State: _____ Zip: _____

10. Signature & Date

Signature: Ashley Bruner Digitally signed by Ashley Bruner
Date: 2020.12.08 08:11:33 -07'00' Dated: 12/8/2020