

ATTACHMENT A

UNITED STATES COURT OF APPEALS March 23, 2010

FOR THE TENTH CIRCUIT Elisabeth A. Shumaker
Clerk of Court

BIODIVERSITY CONSERVATION
ALLIANCE, et al.,

Plaintiffs - Appellants,

AMERICAN LANDS ALLIANCE,

Plaintiff,

v.

No. 09-8011

BUREAU OF LAND
MANAGEMENT, an agency within
the Department of Interior, et al.,

Defendants - Appellees,

LANCE OIL & GAS COMPANY,
INC., et al.,

Defendant-Intervenors -
Appellees.

WESTERN ORGANIZATION OF
RESOURCE COUNCILS, et al.,

Plaintiffs - Appellants,

JEANIE ALDERSON, et al.,

Plaintiffs,

v.

No. 09-8013

KATHLEEN CLARK, Bureau of Land

Management Director, et al.,
Defendants - Appellees,
STATE OF WYOMING, et al.,
Defendant - Intervenors -
Appellees,
WILLIAMS PRODUCTION RMT
COMPANY,
Intervenor - Appellee,
LANCE OIL & GAS COMPANY,
INC., et al.,
Defendants -
Intervenors.

ORDER

Pending before the court is a “Motion to Accept Appellants’ Supplemental Appendix for Filing.” The motion was accompanied by a proposed supplemental appendix.

In response to the motion, the parties have filed “Opposition of the Federal Defendants to Inclusion of Newly Created Documents in the Supplemental Appendix,” “Lessees’ Response to Motion to Accept Appellants’ Supplemental Appendix for Filing,” “Response of Appellee State of Wyoming to Accept

Appellants' Supplemental Appendix for Filing," and "Reply in Support of Motion to Accept Appellants' Supplemental Appendix for Filing."

At the direction of the panel assigned to hear this case on the merits, the motion to file supplemental appendix is granted in part and denied in part. The appellants are granted leave to file a supplemental appendix and addendum that contains only documents, pleadings, and exhibits that were part of the administrative record or the record that was presented to the district court. The court expressly excludes the "Declaration of Ava Farouche" and the "Map of Mineral Ownership in the Powder River Basin Project Area (pp. 94-97 of the proposed supplemental appendix) from being filed as part of a supplemental appendix or addendum, as well as any other tendered documents that were not part of either the administrative or district court records.

The court further directs as follows. The "Supplemental Appendix to Appellant's Reply Brief" received November 24, 2009 and the "Addendum to Appellants' Reply Brief" are stricken. On or before April 12, 2010, the appellants are granted leave to serve and file an amended supplemental appendix and amended addendum to their reply brief that excludes anything that was not filed with either the district court or as part of the administrative record, in accordance with this order. Counsel for the appellants shall confer with counsel

for the appellees with regard to the contents of the amended supplemental appendix and amended addendum.

Entered for the Court
ELISABETH A. SHUMAKER
Clerk of Court,

A handwritten signature in black ink, appearing to read "Douglas E. Cressler". The signature is written in a cursive style with a long horizontal stroke at the end.

by:
Douglas E. Cressler
Chief Deputy Clerk