

1 **BEFORE THE BOARD OF ENVIRONMENTAL REVIEW**
2 **OF THE STATE OF MONTANA**

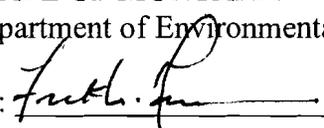
3 **IN THE MATTER OF:**
4 **VIOLATIONS OF THE METAL MINE**
5 **RECLAMATION ACT BY PARADINE MINING,**
6 **INC., BROADWATER COUNTY, MONTANA.**
7 **(FID #1782, DOCKET NO. MM-09-02)**

8 **Case No. BER 2009-16 MM**
9 **STIPULATION TO DISMISS**
10 **AND**
11 **REQUEST FOR DISMISSAL**

12 **Stipulation to Dismiss**

13 The Department of Environmental Quality (DEQ) and Paradine Mining, Inc. have
14 reached a resolution of the matters at issue in this enforcement action. All matters having been
15 resolved, the parties hereby stipulate to dismissal of the enforcement action with prejudice, with
16 each party bearing its own costs.

17 STATE OF MONTANA
18 Department of Environmental Quality

19 By: 

20 Date: 11/18/09

21 PARADINE MINING, INC.

22 By: 

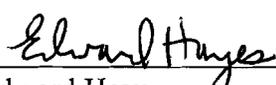
23 Date: 11/17/09

24 **FILED this 25th day of**
November AD 2009
at 9:00 o'clock A. M.
MONTANA BOARD OF
ENVIRONMENTAL REVIEW
by M. Gable

25 **Request for Dismissal**

26 Pursuant to Rule 41(a)(ii), M.R.Civ.P., an action may be dismissed by the plaintiff by
27 filing a stipulation for dismissal signed by all of the parties who have appeared in the action.
28 Pursuant to the stipulation of the parties set forth above and Rule 41(a)(ii), M.R.Civ.P, DEQ
29 respectfully requests the Board to issue an Order dismissing the contested case with prejudice,
30 with each party bearing its own costs.

31 DATED this 18th day of November, 2009.

32 
33 Edward Hayes
34 Attorney, Department of Environmental Quality

**BEFORE THE BOARD OF ENVIRONMENTAL REVIEW
OF THE STATE OF MONTANA**

**IN THE MATTER OF:
VIOLATIONS OF THE METAL MINE
RECLAMATION ACT BY PARADINE
MINING, INC., BROADWATER COUNTY,
MONTANA. (FID #1782, DOCKET NO.
MM-09-02)**

Case No. BER 2009-16 MM

ORDER OF DISMISSAL

The parties have filed a Stipulation for Dismissal pursuant to Rule 41(a), M.R.Civ.P., and have requested the Board of Environmental Review to issue an order dismissing this matter with prejudice with each party to bear its own costs. There being good cause,

IT IS HEREBY ORDERED that the appeal in this matter is dismissed with prejudice and with each party bearing its own costs.

DATED this _____ day of _____, 2009.

JOSEPH W. RUSSELL, M.P.H.
Chairman
Board of Environmental Review

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and accurate copy of the foregoing Order of Dismissal to be mailed to:

Ms. Joyce Wittenberg
Secretary, Board of Environmental Review
Department of Environmental Quality
1520 East Sixth Avenue
P.O. Box 200901
Helena, MT 59620-0901
(original)

Mr. Edward Hayes
Legal Counsel
Department of Environmental Quality
P.O. Box 200901
Helena, MT 59620-0901

Mr. John Arrigo
Administrator, Enforcement Division
Department of Environmental Quality
P.O. Box 200901
Helena, MT 59620-0901

Mr. Scott Oldroyd
Paradine Mining, Inc.
125 E. Main #321
American Fork, UT 84003

DATED: _____