

ORAL ARGUMENT SCHEDULED FOR JANUARY 30, 2020

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

MONONGALIA COUNTY COAL	:	
COMPANY, et al.,	:	
	:	
Petitioners,	:	
	:	
v.	:	No. 18-1196
	:	
FEDERAL MINE SAFETY AND	:	
HEALTH REVIEW COMMISSION,	:	
et al.,	:	
	:	
Respondents.	:	

**PETITIONERS' MOTION FOR DISMISSAL OF APPEAL PURSUANT TO
RULE 42(b) OF THE FEDERAL RULES OF APPELLATE PROCEDURE**

Pursuant to Rule 42(b) of the Federal Rules of Appellate Procedure, the Petitioners move for the dismissal with prejudice of the appeal in the above-captioned matter, with the Parties bearing their own costs and fees (including, without limitation, their attorneys' fees) in connection with the appeal. The Respondents, the Federal Mine Safety and Health Review Commission and the U.S. Secretary of Labor, Mine Safety and Health Administration, have no objection to this Motion. The Intervenor, the International Union, the United Mine Workers of America, has not responded to repeated inquiries regarding its position on this Motion.

Respectfully Submitted,

/s/ **Margaret S. Lopez**

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CERTIFICATE OF COMPLIANCE

This document complies with Federal Rule of Appellate Procedure 27(d)(1)(E) because it has been prepared in 14-point Times New Roman font using Microsoft Word.

This document complies with Federal Rule of Appellate Procedure 27(d)(2)(A) because it contains 96 words and does not exceed 20 pages.

CERTIFICATE OF SERVICE

I certify that the foregoing Petitioners' Motion for Dismissal of Appeal Pursuant to Rule 42(b) of the Federal Rules of Appellate Procedure was filed with the Court on January 15, 2020, and served on all parties or their counsel of record through the CM/ECF system.

/s/ Margaret S. Lopez
Margaret S. Lopez

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