

NATIONAL MINING ASSOCIATION,
 Plaintiff
 v.
 LYNN SCARLETT, et al.,
 Defendants.

Civil Action No. 00-283 (RWR)

For the reasons stated in the accompanying Memorandum Opinion, it is hereby

ORDERED that plaintiff's Motion for Summary Judgment [15]
be, and hereby is, DENIED. It is further

ORDERED that defendant's and intervenor-defendants' Motions for Summary Judgment [23, 24] be, and hereby are, GRANTED. This is a final, appealable Order.

SIGNED this 4th day of May, 2006.

/s/

RICHARD W. ROBERTS
United States District Judge