

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
BIG STONE GAP DIVISION**

SIERRA CLUB and)	
SOUTHERN APPALACHIAN)	
MOUNTAIN STEWARDS, INC.,)	Civil Action No. 2:08cv00036
Plaintiffs,)	
)	<u>PRELIMINARY INJUNCTION</u>
v.)	
)	
DIRK KEMPTHORNE,)	BY GLEN M. WILLIAMS
Secretary of the Interior,)	SENIOR UNITED STATES DISTRICT JUDGE
Defendant.)	
)	

Based on the findings as set forth in the Magistrate Judge’s August 2, 2008, Report and Recommendation, the plaintiffs’ motion for a preliminary injunction, (Docket Item No. 10),¹ is **GRANTED**, and the court **ORDERS** Dirk Kempthorne, Secretary of the Interior, to issue immediately, pursuant to 30 U.S.C. § 1271(a)(2), such cessation orders as may be necessary to ensure that Penn Virginia Operating Company, LLC, Mountain Forest Products, Inc., or any other entity acting in concert with them cease removing vegetation, clear-cutting timber and constructing or improving roadways or conducting any other “surface coal mining operations,” on the property within the proposed boundaries delineated in Permit Application No. 1003841 filed with the Virginia Department of Mines, Minerals & Energy. The court

¹The matter is before the court on plaintiffs’ motion for a temporary restraining order. Since the Secretary was given notice and has appeared by counsel, this court will treat the plaintiffs’ motion as a motion for a preliminary injunction.

FURTHER ORDERS the Secretary to hold such orders in place until further order of this court.

The plaintiffs' emergency motion seeking to shorten the time in which the Secretary may file objections to the Magistrate Judge's August 2, 2008, Report and Recommendation, (Docket Item No. 18), is **DENIED**.

It is **FURTHER ORDERED** that counsel for the parties shall contact the Clerk's Office to schedule this matter before United States Magistrate Judge Pamela Meade Sargent for further hearing, including the presentation of evidence as deemed necessary, on the plaintiffs' motion for permanent injunctive relief.

The portion of this Order granting preliminary injunctive relief shall not take effect unless and until plaintiffs post an injunction bond in the amount of \$100.00 with the Clerk of this Court.

The Clerk is directed to send copies of this Order to all counsel of record.

Enter at 11:20 a.m. this 4th day of August 2008.

/s/ Glen M. Williams
SENIOR UNITED STATES DISTRICT JUDGE