

**MISSOURI DEPARTMENT OF NATURAL RESOURCES LAND
RECLAMATION COMMISSION**

In the Matter of:)	
)	
HEARTLAND MATERIALS LLC.)	Proceeding Under
Permit # 1072)	The Land Reclamation Act,
Proposed Limestone Quarry)	Sections 444.760 – 444.789, RSMo.
Cape Girardeau County, Missouri,)	
)	
SAXONY LUTHERAN HIGH SCHOOL,)	
<i>Petitioner,</i>)	
)	
SAVE OUR CHILDREN’S HEALTH, INC.)	Permit #1072
<i>Petitioner,</i>)	
v.)	
)	
DEPT. OF NATURAL RESOURCES,)	
KEVIN MOHAMMADI)	
)	
Staff Director,)	
Land Reclamation Program,)	
Division of Environmental Quality,)	
<i>Respondent,</i>)	
)	
)	
HEARTLAND MATERIALS, LLC,)	
<i>Applicant,</i>)	

**JOINT MOTION OF
SAXONY LUTHERAN HIGH SCHOOL,
SAVE OUR CHILDRENS’ HEALTH, INC, AND
HEARTLAND MATERIALS, LLC
TO DISMISS THE SUBJECT APPEAL**

COME NOW the Petitioners and the Applicant, by and through counsel, and for their Joint Motion to Dismiss the Subject Appeal state:

1. The Petitioners are challenging the issuance of Permit #1072 to the Applicant.
2. The Petitioners and Applicant, in order to avoid the continuing uncertainty and continuing expense of the subject administrative hearing, have entered into a

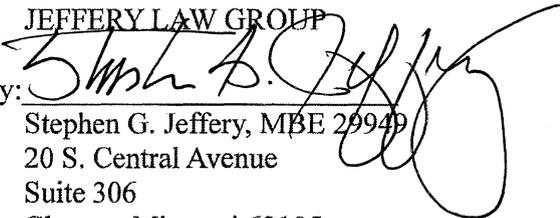
Settlement Agreement, attached hereto and incorporated herein as Exhibit A.

3. In the Settlement Agreement, Petitioners agree to waive their right to an evidentiary hearing in consideration of certain obligations and requirements imposed on the Applicant in paragraphs 7 to 16 in the Settlement Agreement.

4. The Applicant acknowledges that the obligations and requirements imposed in paragraphs 7 to 16 in the Settlement Agreement are over and above the existing obligations and requirements imposed on the Applicant in its air permit, water permit, mining permit, the Missouri Land Reclamation Act, and the implementing rules adopted by the Missouri Land Reclamation Commission.

WHEREFORE, the Petitioners and the Applicant pray the Commission enter an Order incorporating the Settlement Agreement and dismissing the subject appeal.

Respectfully submitted,

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ATTORNEYS FOR APPLICANT

Certificate of Service

I certify that a true copy of the foregoing was served via First Class U.S. Mail, postage prepaid, and e-mail to: Deborah Neff, 218 North Rollins, Suite 101, P.O. Box 388, Macon, Missouri 63552; and Timothy P. Duggan, Assistant Attorney General, P.O. Box 899, Jefferson City, MO 65102-0899 on this ~~28th~~ day of June 2013.

