

STATE OF INDIANA) IN THE KOSCIUSKO SUPERIOR COURT
)SS:
 COUNTY OF KOSCIUSKO) CAUSE NO. 43D01-0710-PL-894

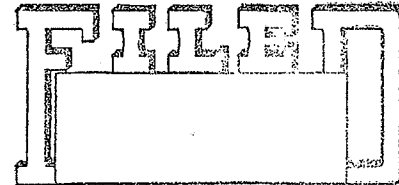
TERRY W. BLUE, NANCY L. BLUE,)
 DODGE R. ELKINS, KIMBERLY)
 ELKINS, LARRY E. DOWNS, LONDA)
 A. DOWNS, STEVEN PIPENGER,)
 ANGALINE PIPENGER, DONALD)
 FAAS, LINDA FAAS, CLAYTON R.)
 KREICKER, KATHY L. KREICKER,)
 MICHAEL A. SHEARER, SUSAN M.)
 SHEARER, CAMERON BAYNE,)
 KATHY BAYNE, and the CARL E.)
 ELLIS REVOCABLE TRUST,)

Petitioners,)

v.)

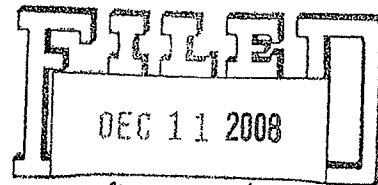
INDIANA NATURAL RESOURCES)
 COMMISSION, STEPHEN B.)
 RUFENBARGER, and CONSTANCE)
 A. RUFENBARGER,)

Respondents.)



Sharon Christner
 CLERK KOSCIUSKO SUPERIOR COURT I

ORDER



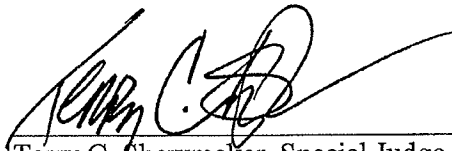
Sharon Christner
 CLERK KOSCIUSKO SUPERIOR COURT NO. 1

- 1 On April 24, 2008, this cause came on for hearing on Petitioners' Verified Petition for Judicial Review and Respondent Indiana Natural Resources Commission's (NRC) Motion to Dismiss.
2. On June 11, 2008, the court granted NRC's Motion to Dismiss.
3. On July 11, 2008, Petitioners filed their Motion to Correct Errors.
4. Hearing on the Motion was scheduled, however, on November 25, 2008, the parties herein notified the court of their agreement to waive oral argument via filing of Agreed Motion to Waive Oral Argument on Petitioners' Motion to Correct Errors in which they requested that the court render judgment on the Motion based on the pleadings that have been previously filed.

5. Trial Rule 59 allows the filing of a motion to correct errors after final judgment and such motion, if made, must be filed not later than thirty (30) days after the entry of final judgment. In relevant part, the Rule permits the court, if it determines that prejudicial or harmful error has been committed, to take such action as will cure the error, including without limitation the following with respect to all or some of the parties and all or some of the errors: (1) grant a new trial; (2) enter final judgment; (3) alter, amend, modify, or correct judgment; or (6) grant any other appropriate relief.
6. Having reviewed its Order of June 11, 2008 granting NRC's Motion to Dismiss, and considered the court's notes, the transcript of hearing, the Order of Administrative Law Judge Stephen L. Lucas issued on September 25, 2007, and the parties Motion to Correct Errors, the court hereby finds that it is satisfied with the Order at issue as well as the bases and reasoning for the conclusions reached.

IT IS THEREFORE, **ORDERED, ADJUDGED and DECREED** that Petitioners' Motion to Correct Errors is hereby Denied.

DATED AT GOSHEN, INDIANA THIS 11TH DAY OF DECEMBER, 2008.



Terry C. Shewmaker, Special Judge
Kosciusko Superior Court