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**MONTANA SEVENTEENTH JUDICIAL DISTRICT COURT  
PHILLIPS COUNTY**

<p>MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY,  Plaintiff,  and  FORT BELKNAP INDIAN COMMUNITY,  Plaintiff-Intervenor,  v.  LUKE PLOYHAR, BLUE ARC, LLC., OWEN VOIGT, and LEGACY MINING, LLC,  Defendants.</p>	<p>Cause No.: DV-2023-10  Hon. Yvonne Laird  <b>JOINT MOTION TO ADOPT CONSENT DECREE</b></p>
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Plaintiff Montana Department of Environmental Quality (“DEQ”) and Defendants Luke Ployhar, Blue Arc, LLC, Owen Voigt, and Legacy Mining, LLC (collectively “Defendants”) submit this Joint Motion to Adopt Consent Decree. As described in the accompanying briefs filed in support, and as evident based on the terms of the proposed Consent Decree, the proposed Consent Decree is fair, reasonable, and equitable and does not violate the law or public policy. *See Local No. 93, Int’l Ass’n of Firefighters v. City of Cleveland*, 478 U.S. 501, 519, 106 S. Ct. 3063 (1986). Accordingly, DEQ and Defendants respectfully request the Court adopt the proposed Consent Decree and dismiss this case with prejudice.

Counsel for Plaintiff-Intervenor Fort Belknap Indian Reservation has been contacted regarding its position on the Motion and the proposed Consent Decree. Fort Belknap opposes this motion and requests 45 days to respond to the proposed Consent Decree.

DATED this 22nd day of May, 2026.

/s/ Matthew H. Dolphay  
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## CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of May 2026, I caused to be served a true and correct copy of the foregoing document to all parties or their counsel of record by electronic mail as follows:

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