

**West Virginia Air Quality Board  
Charleston, West Virginia**

**Tucker United, West Virginia Highlands  
Conservancy, and Sierra Club  
Appellants,**

**v.**

**Appeal No. 25-AQB-02**

**Director, Division of Air Quality,  
Department of Environmental Protection,  
Appellee,**

**and**

**Fundamental Data LLC,  
Intervenor.**

**Intervenor's Joinder in Appellee's  
Motion for Partial Dismissal**

On October 27, 2025, the Appellee, Laura M. Crowder, Director, Division of Air Quality, West Virginia Department of Environmental Protection ("WVDEP"), filed a Motion for Partial Dismissal pursuant to Rule 12(b)(6) of the West Virginia Rules of Civil Procedure ("Motion"). Intervenor Fundamental Data LLC ("Fundamental") hereby joins in WVDEP's Motion.

For the reasons set forth in the Motion, and those otherwise apparent to the Board, Fundamental hereby moves the Board for an Order dismissing the counts of the appeal that are predicated on Specific Objections 8, 12, and 16 in Appellants' Notice of Appeal.

**FUNDAMENTAL DATA LLC**

By: Spilman Thomas & Battle, PLLC



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**CERTIFICATE OF SERVICE**

I, David L. Yaussy, hereby certify that I served a copy of the foregoing *Intervenor's Joinder in Appellee's Motion for Partial Dismissal* on October 31, 2025, by mailing a true and correct copy via U.S. Mail, postage prepaid, and by delivering a true and correct copy via email at the addresses below:

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