

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MINNESOTA

SIERRA CLUB, et al.,

Plaintiffs

v.

HILLARY CLINTON, in her official capacity as Secretary of State, et al.,

Defendants

ENBRIDGE ENERGY, LIMITED PARTNERSHIP

Defendant-Intervenor

CIV. NO. 09-CV-2622 (DWF/RLE)

ENBRIDGE ENERGY, LIMITED PARTNERSHIP'S MOTION FOR SUMMARY JUDGMENT

Hon. Donovan W. Frank U.S. District Judge

Pursuant to Federal Rule of Civil Procedure 56, and for the reasons set forth in the accompanying Memorandum in Support of Enbridge's Motion and in Opposition to Plaintiffs' Motion for Summary Judgment, Defendant-Intervenor Enbridge Energy, Limited Partnership ("Enbridge") hereby moves for summary judgment as to the claims remaining in Plaintiffs' Amended Complaint (Doc. 57). Specifically, Enbridge moves for summary judgment on Plaintiffs' First Claim, Violation of NEPA and the APA: Failure to Evaluate Full Range of Actions (§§ 77-81); Second Claim, Violation of NEPA and the APA: Failure to Adequately Analyze Indirect and Cumulative Impacts (§§ 82-90); Third Claim, Violation of NEPA and the APA: Failure to Adequately Evaluate Risks, Impacts, and Mitigation Measures Associated with Spills and Operational Leaks (§§ 91-95); and

Fourth Claim, Violation of NEPA and the APA: Failure to Adequately Evaluate the No Action Alternative (¶¶ 96-104).

A hearing on this Motion has been set for August 9, 2010 at 9:00 am.

DATED: June 25, 2010.

Respectfully submitted,

s/ John F. Beukema

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