

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. 09-2622 (DWF/RLE)

ENBRIDGE ENERGY, LIMITED PARTNERSHIP'S RESPONSE TO PLAINTIFFS' MOTION TO AMEND THEIR MOTION FOR PRELIMINARY INJUNCTION TO CONFORM TO AMENDED COMPLAINT

Defendant-Intervenor, Enbridge Energy, Limited Partnership ("Enbridge") hereby files this response to Plaintiffs' Motion to Amend its Motion for a Preliminary Injunction to Conform to their Amended Complaint ("Motion").

In their Motion, Plaintiffs move to amend their Motion for Preliminary Injunction "to include a specific request for injunctive relief against the Defendant United States Forest Service." This amendment is apparently intended to conform the Plaintiffs' Motion to the Plaintiffs' Amended Complaint which added the Forest Service as a defendant in this case.

Enbridge does not oppose Plaintiffs' Motion provided that Enbridge is permitted to file a surreply addressing certain issues concerning the Corps of Engineers and U.S.

Forest Service raised in the Reply that Plaintiffs' have filed to the Oppositions of the Federal Defendants and Enbridge to Plaintiffs' Motion for Preliminary Injunction. Based on undersigned counsel's discussions with Plaintiffs' counsel, Sarah Burt, an understanding was reached that such a surreply may be filed addressed to those issues. On that basis, Enbridge will not oppose Plaintiffs' motion to amend.

Respectfully submitted,

Dated: November 10, 2009

s/ John F. Beukema
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