

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Sierra Club; Minnesota Center for
Environmental Advocacy; Indigenous
Environmental Network; and National
Wildlife Federation;

Civil No. 09-2622 (DWF/RLE)

Plaintiffs,

v.

ORDER

Hillary Clinton, in her official capacity
as Secretary of State; James Steinberg,
in his official capacity as Deputy Secretary
of State; United States Department of State;
Lieutenant General Robert L. Van Antwerp,
in his official capacity as U.S. Army Chief
of Engineers and Commanding General
of U.S. Army Corps of Engineers; Colonel
Jon L. Christensen, in his official capacity
as District Engineer and Commander of the
U.S. Army Corps of Engineers; the United
States Army Corps of Engineers; Tom Tidwell,
in his official capacity as Chief of the United
States Forest Service; Rob Harper, in his
official capacity as Forest Supervisor for the
Chippewa National Forest; and the United
States Forest Service;

Defendants,

and

Enbridge Energy, Limited Partnership,

Defendant-Intervenor.

Douglas P. Hayes, Esq. and Eric E. Huber, Esq., Sierra Club Environmental Law
Program; J. Martin Wagner, Esq. and Sarah H. Burt, Esq., Earthjustice; and Kevin
Reuther, Esq., Minnesota Center for Environmental Advocacy, counsel for Plaintiffs.

Luther L. Hajek, Esq., U.S. Department of Justice; Chad A. Blumenfield, Assistant United States Attorney, United States Attorney's Office, counsel for Defendants.

Daniel J. Herber, Esq., and John F. Beukema, Esq., Faegre & Benson LLP; David H. Coburn, Esq., and Sara Beth Watson, Esq., Steptoe & Johnson LLP, counsel for Defendant-Intervenor.

Currently before the Court are Defendants' request to allow the government to submit the administrative record in this case in electronic form on CD-ROMS or DVDs, and Plaintiffs' request for leave to file a Rule 54(b) motion for entry of final judgment on Plaintiffs' Sixth Claim for Relief without scheduling a hearing. The Court **HEREBY ORDERS** the following:

1. Defendants' request to submit the administrative record in this case in electronic form is **GRANTED** as follows:
 - a. The government may submit the administrative record in electronic form on CD-ROMS or DVDs. The government shall attach a separate exhibit index that explains where specific exhibits can be found in the electronic submission.
 - b. The government shall submit hard copies of all record material cited in the parties' briefs. These materials shall be organized, with tabs as appropriate, three-hole punched, and bound.
2. Plaintiffs' request for leave to file a Rule 54(b) motion for entry of final judgment on Plaintiffs' Sixth Claim for Relief without scheduling a hearing is **GRANTED**. The Court will receive the papers on this motion consistent with the

parties' proposed briefing schedule as follows:

Plaintiffs' Motion: March 19, 2010

Defendants' and
Intervenor-Defendant's Oppositions: March 26, 2010

Plaintiffs' Reply: April 2, 2010.

The Court reserves the right to schedule a hearing on the motion.

Dated: March 19, 2010

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge