

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

SIERRA CLUB, MINNESOTA
CENTER FOR ENVIRONMENTAL
ADVOCACY, INDIGENOUS
ENVIRONMENTAL NETWORK, and
NATIONAL WILDLIFE
FEDERATION,

Plaintiffs,

v.

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 the 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

Intervenor-Defendant.

Civ. No. 0:09-cv-02622-(DWF/RLE)

PLAINTIFFS' MOTION FOR A
PRELIMINARY INJUNCTION

(National Environmental Policy Act, 42
U.S.C. §§ 4321 et seq.)

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

Hearing Date: TBD
Time: TBD

MOTION FOR A PRELIMINARY INJUNCTION

Plaintiffs Sierra Club, Minnesota Center for Environmental Advocacy, National Wildlife Federation, and Indigenous Environmental Network (“Plaintiffs”) hereby move for a preliminary injunction. This motion is being filed in the above-captioned case presided over U.S. District Judge Donovan Frank, and a hearing date has not yet been set. A copy of this motion and all supporting papers were served on Eric Holder of the United States Department of Justice; Joseph Russoniello United States Department of Justice; Hillary Clinton of the United States Department of State (“State Department”); James Steinberg of the State Department; and Ralph Augustin of the United States Army Corps of Engineers (“Army Corps” or “ACE”) by electronic mail and/or fax on September 3, 2009.

Plaintiffs request that this Court issue an injunction: i) prohibiting the State Department from issuing a presidential permit for the Alberta Clipper project; ii) prohibiting the ACE from issuing permits for the Alberta Clipper and Southern Lights projects pursuant to section 404 of the Clean Water Act and section 10 of the Rivers and Harbors Act; and iii) prohibiting any activity in furtherance of construction or operation of the Alberta Clipper and Southern Lights projects, until this Court has issued a decision on the merits of Plaintiffs’ claims.

This motion is based upon the Memorandum of Points and Authorities in Support of Plaintiffs’ Motion for Temporary Restraining Order and Preliminary Injunction, the Declarations and Exhibits accompanying the Motion, the pleadings, the record, and any other evidence or argument as may be presented at any hearing on these motions.

Respectfully submitted,

Dated: October 23, 2009

/s/ Sarah Burt

SARAH H. BURT
J. MARTIN WAGNER
Earthjustice
426 17th Street, 6th Floor
Oakland, CA 94612
Tel.: (510) 550-6700
Fax: (510) 550-6740
sburt@earthjustice.org
mwagner@earthjustice.org

KEVIN REUTHER
Minnesota Center for Environmental
Advocacy
26 E. Exchange St., Suite 206
St. Paul, MN 55101
Tel.: (651) 223-5969
Fax: (651) 223-5967
kreuther@mncenter.org

ERIC E. HUBER
DOUGLAS P. HAYES
Sierra Club Environmental Law Program
1650 38th Street, Suite 102W
Boulder, Colorado 80301
Tel.: (303) 449-5595
Fax: (303) 449-6520
eric.huber@sierraclub.org
doug.hayes@sierraclub.org

ATTORNEYS FOR PLAINTIFFS