

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

NORTHERN PLAINS RESOURCE COUNCIL, et al.,

Plaintiffs,

v.

U.S. ARMY CORPS OF ENGINEERS, et al.,

Defendants,

TC ENERGY CORPORATION, et al.,

Intervenor-Defendants,

STATE OF MONTANA,

Intervenor-Defendant,

AMERICAN GAS ASSOCIATION, et al.,

Intervenor-Defendants.

CV-19-44-GF-BMM

ORDER

Federal Defendants have filed a Motion for Partial Stay Pending Appeal. (Doc. 131.) Federal Defendants requested an expedited briefing schedule and an administrative stay of paragraphs 5 and 6 of the Court's April 15, 2020 Order during that briefing and consideration. (Doc. 132.) Paragraph 5 vacates NWP 12 pending completion of the ESA consultation process and compliance with all environmental rules and regulations. (Doc. 130 at 26.) Paragraph 6 enjoins the Corps from authorizing dredge or fill activities under NWP pending completion of

the ESA consultation process and compliance with all environmental rules and regulations. (*Id.*)

After due consideration of the Federal Defendants' motion, the Court will deny the request for an administrative stay but grant the motion for expedited briefing. The parties and the Court will proceed expeditiously to consider the merits of Federal Defendant's Motion for Partial Stay Pending Appeal (Doc. 131).

The parties shall observe the briefing schedule as follows:

Any memoranda in support of Federal Defendants' Motion to Stay are due on or before: April 29, 2020

Any memoranda in opposition are due on or before: May 6, 2020

Any replies are due on or before: May 8, 2020

It is hereby **ORDERED** Federal Defendants' Motion to Expedite Briefing and Request for Administrative Stay (Doc. 132) is **GRANTED, IN PART, AND DENIED, IN PART.**

DATED this 28th day of April, 2020.



Brian Morris, Chief District Judge
United States District Court