

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SIERRA CLUB,)
)
)
 Plaintiff,)
)
 v.) Civ. Action No. 07-01860(EGS)
)
 UNITED STATES DEPARTMENT OF)
 AGRICULTURE, RURAL UTILITIES)
 SERVICE, *et al.*,)
)
 Defendants,)
)
 and)
)
 SUNFLOWER ELECTRIC POWER)
 CORPORATION,)
)
 Defendant-Intervenor.)
)

ORDER

For the reasons stated in the accompanying Memorandum Opinion filed on this day under seal, it is hereby

ORDERED that Sunflower Electric Power Corporation's motion to dismiss the complaint as moot is **DENIED**; and it is

FURTHER ORDERED that plaintiff's motion for summary judgment is **GRANTED**; and it is

FURTHER ORDERED that the federal defendants' cross-motion for summary judgment is **DENIED**; and it is

FURTHER ORDERED that Sunflower Electric Power Corporation's cross-motion for summary judgment is **DENIED**; and it is

FURTHER ORDERED that plaintiff's motion to compel responses

to plaintiff's interrogatories and requests for production of documents is **DENIED**; and it is

FURTHER ORDERED that federal defendants' motion for a protective order is **DENIED** as moot; and it is

FURTHER ORDERED that defendants' request for an opportunity for further briefing regarding the appropriate remedy is **GRANTED**. Plaintiff shall file its brief by no later than **April 28, 2011**. Federal defendants and defendant-intervenor shall file their responses by no later than **May 27, 2011**. Any reply shall be filed by no later than **June 27, 2011**.

It is **FURTHER ORDERED** that the parties shall meet and confer in an effort to provide the Court with a joint proposed redacted version of the accompanying Memorandum Opinion appropriate for public viewing. The parties shall submit a sealed filing with the Court including their joint proposed redactions by no later than **April 12, 2011**. In the event that the parties are unable to reach an agreement regarding the appropriate redactions, the parties shall jointly submit a sealed filing by that date that includes (1) one copy of the Memorandum Opinion reflecting all agreed-upon redactions; and (2) two separate copies of the Memorandum Opinion reflecting the additional redactions proposed by each side. The parties are cautioned, however, that given the strong presumption in favor of public access to judicial records, *see, e.g., Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 597 ("It

is clear that the courts of this country recognize a general right to inspect and copy public records and documents, including judicial records and documents.”), that redactions shall be made solely to the extent necessary to preserve the confidential or proprietary nature of the relevant information. Any party that abuses the redaction process may be sanctioned by the Court; and it is

FURTHER ORDERED that all dates by which a party is required to file a pleading herein are final and will not be extended absent compelling circumstances and reasons.

SO ORDERED

SIGNED: Emmet G. Sullivan
United States District Court Judge
March 29, 2011