

Jeffery J. Oven
Mark L. Stermitz
Jeffrey M. Roth
CROWLEY FLECK PLLP
490 North 31st Street, Ste. 500
Billings, MT 59103-2529
Telephone: 406-252-3441
Email: joven@crowleyfleck.com
mstermitz@crowleyfleck.com
jroth@crowleyfleck.com

Peter R. Steenland
Peter C. Whitfield
Lauren C. Freeman
SIDLEY AUSTIN LLP
1501 K Street, NW
Washington, DC 20005
Telephone: 202-736-8000
Email: psteenland@sidley.com
pwhitfield@sidley.com
lfreeman@sidley.com

Counsel for TransCanada Keystone Pipeline, LP and TransCanada Corporation

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

INDIGENOUS ENVIRONMENTAL
NETWORK, *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
STATE, *et al.*,

Federal Defendants,

and

TRANSCANADA CORPORATION, *et
al.*,

Defendant-Intervenors.

CV 17-29-GF-BMM

**DEFENDANT-INTERVENORS'
MOTION FOR STAY PENDING
APPEAL**

MOTION

Pursuant to Rule 62(c), Defendant-Intervenors TransCanada Keystone Pipeline, LP and TransCanada Corporation (collectively, TransCanada) respectfully request that the Court stay its November 8, 2018 Order (Doc. 218) and November 15, 2018 Order (Doc. 219) granting summary judgment to Plaintiffs and enjoining any activity in furtherance of construction or operation of the Keystone XL Pipeline Project (Keystone XL), as well as the Court's December 7, 2018 Supplemental Order Regarding Permanent Injunction (Doc. 232) that prohibited TransCanada from conducting certain preconstruction activities while TransCanada pursues an appeal. TransCanada respectfully requests that the Court rule on this motion on or before January 7, 2019, so that if needed, TransCanada may pursue relief in the Ninth Circuit with the goal of preserving the 2019 construction season.

As set forth in TransCanada's Memorandum in Support accompanying this motion, TransCanada is likely to prevail on the merits of its appeal. Absent a stay of the permanent injunction, TransCanada will continue to suffer irreparable harm. Additionally, the current injunction impedes, among other things, the United States' interest in energy security and a strong bilateral relationship with Canada. A stay of the permanent injunction best serves the public interest and will not substantially injure Plaintiffs.

Pursuant to Local Rule 7.1(c)(1), counsel for TransCanada contacted counsel for the parties regarding the filing of this motion. Plaintiffs Indigenous Environmental Network and North Coast River Alliance indicated they oppose this motion. Federal Defendants indicated that they do not oppose this motion. TransCanada attempted to contact Plaintiffs Northern Plains Resource Council, Bold Alliance, Center for Biological Diversity, Friends of the Earth, Natural Resources Defense Council, and Sierra Club, but were unable to reach Plaintiffs' counsel. TransCanada believes that those Plaintiffs will oppose this motion.

Respectfully submitted this 21st day of December 2018.

CROWLEY FLECK PLLP

/s/ Jeffery Oven

Jeffery J. Oven
Mark L. Stermitz
Jeffrey M. Roth
490 North 31st Street, Ste. 500
P.O. Box 2529
Billings, MT 59103-2529
Telephone: 406-252-3441
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SIDLEY AUSTIN LLP

/s/ Peter Steenland

Peter R. Steenland
Peter C. Whitfield
Lauren C. Freeman
1501 K Street, NW

Washington, DC 20005
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Email: psteenland@sidley.com
pwhitfield@sidley.com
lfreeman@sidley.com

*Counsel for TransCanada Keystone
Pipeline, LP and TransCanada Corporation*

CERTIFICATE OF SERVICE

I hereby certify that on December 21, 2018, a copy of the foregoing motion was served on all counsel of record via the Court's CM/ECF system.

/s/ Jeffery Owen