

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

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

Counsel for TransCanada Keystone Pipeline LP and TC Energy Corporation

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

ROSEBUD SIOUX TRIBE, *et al.*,

Plaintiffs,

v.

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

Defendants,

and

TC ENERGY CORPORATION, *et al.*

Defendant-Intervenors.

CV 18-118-GF-BMM

**DEFENDANTS TC ENERGY
CORPORATION AND
TRANSCANADA KEYSTONE
PIPELINE, LP'S MOTION FOR
SUMMARY JUDGMENT**

MOTION FOR SUMMARY JUDGMENT

Pursuant to Rule 56 of the Federal Rules of Civil Procedure and Local Rule 56.1 of this Court, Defendant-Intervenors TransCanada Keystone Pipeline, LP and TC Energy Corp. (“TC Energy”) hereby move for summary judgment on all claims in Plaintiffs’ First Amended Complaint (Doc. 58). For the reasons set forth in its response to this Court’s request for additional briefing (Doc. 93), TC Energy has asked the Court to dismiss the claims in Plaintiffs’ amended complaint relating to the scope and/or validity of the Keystone XL Presidential Permit, because the supplemental briefing demonstrates that they cannot prevail on these claims as a matter of law. *See* TC Energy’s Supp. Br. (Doc. 95). In the event that the Court concludes that the supplemental filing cannot be used as a vehicle for such relief, TC Energy is filing this motion for summary judgment on those claims as well as the remaining claims in the First Amended Complaint.

In accordance with Local Rule 56.1, TC Energy is also filing with this Motion a Statement of Undisputed Facts and Memorandum of Law in Support of Summary Judgment.

Counsel for TC Energy has contacted counsel for the parties in this matter. Counsel for Federal Defendants represented that the United States does not oppose this motion. Counsel for Plaintiffs represented that Plaintiffs oppose this motion.

January 24, 2020

Respectfully Submitted,

CROWLEY FLECK PLLP

SIDLEY AUSTIN LLP

/s/ Jeffery J. Oven

/s/ Peter R. Steenland, Jr.

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CERTIFICATE OF SERVICE

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

/s/ Jeffery J. Oven