

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
WESTERN DIVISION

WILLIAM COUSER and SUMMIT
CARBON SOLUTIONS, LLC,

Plaintiffs,

v.

SHELBY COUNTY, IOWA;
SHELBY COUNTY BOARD OF
SUPERVISORS;
STEVE KENKEL, in his official capacity as
Shelby County Supervisor; CHARLES
PARKHURST, in her official capacity as a
Shelby County Supervisor; DARIN HAAKE,
in his official capacity as a Shelby County
Supervisor,

Defendants.

No. 1:22-cv-00020

**PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER AND
PRELIMINARY INJUNCTION**

Plaintiffs William Couser and Summit Carbon Solutions, LLC (“Summit”), through undersigned counsel, respectfully submit this Motion for Temporary Restraining Order and Preliminary Injunction. As explained more fully in the Brief filed herewith, Defendant Shelby County enacted Ordinance No. 2022-4 in November 2022 and has begun enforcing it against Summit, which is developing a multi-state pipeline project, and Shelby County landowners, who have granted Summit easements for that project.

Plaintiffs now seek a temporary restraining order and preliminary injunction against Defendants’ enforcement of Ordinance No. 2022-4. Plaintiffs are likely to succeed on the merits because the Ordinance is invalid under both Iowa and federal law. Summit will also suffer

irreparable harm if the Court does not issue an injunction because Defendant Shelby County is threatening to seek involuntary termination of easements that Summit has lawfully obtained, claiming that those easements violate Ordinance No. 2022-4. Ordinance No. 2022-4 is also certain to have a chilling effect on Summit's negotiations with landowners because Defendant Shelby County is threatening to assess daily fines of \$750 or more on landowners if the easements are not terminated by February 10, 2023. The balance of the harms weighs in Plaintiffs' favor, and the public has an interest in governments enacting and enforcing lawful ordinances.

For the foregoing reasons, Plaintiffs respectfully request that the Court grant a temporary restraining order and injunction prohibiting Shelby County from (1) enforcing Ordinance No. 2022-2, (2) implementing any other ordinances on the permitting, construction, or development of Summit's pipeline project, and (3) implementing any ordinance or other regulation that regulates safety or permitting aspects of Summit's pipeline project

In support of this Motion for Preliminary Injunction, Plaintiffs rely on the concurrently filed Brief and exhibits.

Respectfully submitted this 6th day of February, 2023.

By: /s/ Bret A. Dublinske

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**ATTORNEYS FOR SUMMIT CARBON
SOLUTIONS, LLC**

CERTIFICATE OF SERVICE

The undersigned certifies the foregoing document was electronically filed with the Clerk of Court using the Electronic Document Management System (EDMS) on February 6, 2023 which will send a notice of electronic filing to all registered counsel of record.

FREDRIKSON & BYRON, P.A.

By: /s/ Karrie Scrutchfield
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