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INDIGENOUS ENVIRONMENTAL  
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RIVERS ALLIANCE

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

INDIGENOUS ENVIRONMENTAL  
NETWORK and NORTH COAST RIVER  
ALLIANCE,

and

NORTHERN PLAINS RESOURCE  
COUNCIL, et al.,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF  
STATE, et al.,

Defendants,

} CV 17-29-GF-BMM  
} CV 17-31-GF-BMM

} **OBJECTION OF IEN  
} PLAINTIFFS TO  
} TRANSCANADA’S UNTIMELY  
} “STATUS UPDATE” AND  
} DECLARATION**

} Hearing: January 14, 2018

} Time: 1:30 p.m.

} Judge: Honorable Brian Morris

TRANSCANADA KEYSTONE PIPELINE )  
and TRANSCANADA CORPORATION, )  
 )  
Defendant-Intervenors. )  
\_\_\_\_\_ )

Plaintiffs Indigenous Environmental Network and North Coast Rivers Alliance (collectively, “IEN Plaintiffs”) respectfully object to Defendant-Intervenors TransCanada Keystone Pipeline, LP, et al’s (collectively, “TransCanada’s) Status Update and its accompanying Declaration of Norrie Ramsay filed January 7, 2019.

The basis for the objection is simple. Mr. Ramsay’s Declaration is expressly intended to “supplement[] [his] declaration of November 15, 2018, in which [he] identified various harms that will flow from [this Court’s] injunction” and *thereby bolster TransCanada’s motion to stay this Court’s injunction* (“Stay Motion”). Ramsay Dec. ¶ 3. As such, it is untimely.

Local Civil Rule 7.1(d)(1)(A) directs that “[a] motion, if opposed, must be accompanied by a brief in support *filed at the same time as the motion . . . .* Failure to timely file a brief will result in *denial of the motion . . . .*” (*Id.*, emphasis added.) TransCanada failed to file and serve Mr. Ramsay’s Declaration on December 21, 2018 when it filed its Stay Motion.

In the meantime, in reliance on the TransCanada’s presumed compliance with the requirements of Rule 7.1(d)(1)(A), and as required by Rule 7.1(d)(1)(B)(ii), the IEN Plaintiffs already filed their response to TransCanada’s Stay Motion last Friday, January 4, 2019, “14 days after the motion was filed.”

Consequently, TransCanada’s untimely filing of Mr. Ramsay’s Declaration has the effect of foreclosing the IEN Plaintiffs from responding to his Declaration, let alone affording the IEN Plaintiffs the 14 days for response to which they are entitled under Rule 7.1(d)(1)(B)(ii).

Accordingly, the IEN Plaintiffs object to TransCanada’s untimely submission of its “Status Update” and its supporting Declaration of Norrie Ramsay. This Court should disregard those two documents in ruling on TransCanada’s Stay Motion because their untimely submission is highly prejudicial to the IEN Plaintiffs.

Dated: January 8, 2019

Respectfully submitted,

LAW OFFICES OF STEPHAN C. VOLKER

s/ *Stephan C. Volker*

STEPHAN C. VOLKER

Of Counsel for IEN Plaintiffs

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PATTEN, PETERMAN, BEKKEDAHL, &  
GREEN, PLLC

*s/ James A. Patten*  
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JAMES A. PATTEN

Attorneys for Plaintiffs  
INDIGENOUS ENVIRONMENTAL NETWORK  
and NORTH COAST RIVERS ALLIANCE

**CERTIFICATE OF SERVICE**

I hereby certify that on January 8, 2019, a copy of the foregoing  
OBJECTION OF IEN PLAINTIFFS TO TRANSCANADA’S UNTIMELY  
“STATUS UPDATE” AND DECLARATION was electronically served on all  
counsel of record via the Court’s CM/ECF system.

*s/ Stephan C. Volker*  
\_\_\_\_\_  
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