IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

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STANDING ROCK SIOUX TRIBE,
Plaintiff,
v.
UNITED STATES ARMY CORPS OF ENGINEERS,
Defendant.

Case No. 1:16-cv-01534 (JEB)

STANDING ROCK SIOUX TRIBE, CHEYENNE RIVER SIOUX TRIBE, AND U.S. ARMY CORPS OF ENGINEERS' JOINT MOTION TO HOLD CLAIMS IN ABEYANCE

Plaintiff Standing Rock Sioux Tribe ("Standing Rock"), Intervenor-Plaintiff Cheyenne River Sioux Tribe ("Cheyenne River"), and Defendant United States Army Corps of Engineers ("Corps") respectfully move pursuant to Fed. R. Civ. P. 7(b) and Local Rule 7 to hold the claims of Standing Rock and Cheyenne River in abeyance pending resolution of Intervenor-Defendant Dakota Access, LLC's ("Dakota Access") Motion for Summary Judgment [ECF No. 66] and the Corps' anticipated motion to dismiss. Counsel for Dakota Access represented that they take no position on this motion.

On December 7, 2016, Standing Rock and Cheyenne River jointly filed a Status Report proposing to stay resolution of their claims pending completion of an environmental impact statement at Lake Oahe. *See* ECF No. 67. At the status conference held December 9, 2016, this Court indicated that it would be amenable to staying the Tribes' claims.

Thus, Standing Rock, Cheyenne River, and the Corps are formally requesting an order holding the Tribes' claims in abeyance pending resolution of Dakota Access's Motion for

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Summary Judgment and the Corps' motion to dismiss. This would include holding in abeyance the Corps' December 19, 2016 deadline to respond to Cheyenne River's Amended Complaint.¹ *See* ECF No. 48 at 3. Standing Rock, Cheyenne River, and the Corps further propose submitting a status report and proposed schedule within two weeks of resolution of the Dakota Access motion.

Holding the Tribes' claims in abeyance will serve the interests of judicial economy by enabling Standing Rock, Cheyenne River, and the Corps and the Court to focus on resolving the Dakota Access Motion for Summary Judgment on an expedited basis. This approach is also consistent with the Court's Order in *Yankton Sioux Tribe v. U.S. Army Corps of Engineers* staying the plaintiff's claims pending resolution of Dakota Access' motion. *See* Minute Order (Dec. 13, 2016) in Case No. 16-cv-01796 (JEB).

In conclusion, Standing Rock, Cheyenne River, and the Corps respectfully ask that the Court hold in abeyance the Tribes' claims, including the Corps' December 19 deadline to respond to Cheyenne River's Amended Complaint, until resolution of Dakota Access's Motion for Summary Judgment and the Corps' motion to dismiss, and that the Court order all parties to file a status report as to proposed future proceedings within fourteen days of the Court's expected order on the dispositive motions.

¹ In the event the Court denies this motion, the Corps requests and Cheyenne River does not oppose an extension of time for the Corps to respond to Cheyenne River's Amended Complaint until January 13, 2017.

Dated: December 16, 2016

Respectfully submitted,

/s/ Jan Hasselman

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CERTIFICATE OF SERVICE

I hereby certify that, on the 16th day of December, 2016, a copy of the foregoing was filed through the Court's CM/ECF management system and electronically served on counsel of record.

<u>/s/ Erica Zilioli</u> Erica M. Zilioli