

**IN THE UNITED STATES DISTRICT COURT FOR  
THE DISTRICT OF COLUMBIA**

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	)	
STANDING ROCK SIOUX TRIBE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 1:16-cv-01534 (JEB)
	)	
UNITED STATES ARMY CORPS OF	)	
ENGINEERS,	)	
	)	
Defendant.	)	
_____	)	

**FEDERAL DEFENDANT’S MOTION FOR EXTENSION OF TIME TO FILE REPLY  
BRIEF IN SUPPORT OF MOTION TO DISMISS**

Pursuant to Rule 6 of the Federal Rules of Civil Procedure, Defendant United States Army Corps of Engineers (“Corps”) hereby respectfully moves for a twenty-one-day extension of the deadline for filing its Reply brief in support of its Motion to Dismiss Dakota Access, LLC’s cross-claim. This is the Corps’ first such motion. Standing Rock Sioux Tribe and Cheyenne River Sioux Tribe do not oppose this motion and request that if the Court grants the Corps’ request for an extension, that the Court also grant a similar extension of the Tribes’ deadlines for filing their Reply briefs. Dakota Access does not oppose the Corps’ request for an extension of its deadline for filing a Reply brief. In support of its motion, the Corps states the following:

1. The Standing Rock Sioux Tribe filed this case on July 27, 2016. ECF No. 1. It filed a Motion for Preliminary Injunction on August 4, 2016. ECF No. 5. The Court denied Standing Rock Sioux Tribe’s motion on September 9, 2016. ECF No. 38.
2. Dakota Access filed a cross-claim against the Corps on November 15, 2016. ECF No. 57.

3. Dakota Access filed a Motion for Summary Judgment on its cross-claim on December 5, 2016. ECF No. 66.

4. The Corps filed a Motion to Dismiss and Opposition to Dakota Access's Motion for Summary Judgment on January 6, 2017. ECF No. 73.

5. Plaintiff-Intervenor Cheyenne River Sioux Tribe filed a Motion to Dismiss, Opposition to Dakota Access's Motion for Summary Judgment, and Cross-Motion for Summary Judgment on January 6, 2017. ECF Nos. 74-76.

6. Plaintiff Standing Rock Sioux Tribe filed a Motion to Dismiss, Cross-Motion for Summary Judgment, and Memorandum in opposition to Dakota Access's Motion for Summary Judgment on January 6, 2017. ECF Nos. 77-78

7. Dakota Access filed a consolidated Opposition to the motions filed by the Corps and Tribes and Reply in support of its Motion for Summary Judgment on January 20, 2017.

8. Pursuant to the Court's December 9, 2016 Minute Order, the Government and the Tribes must file any Reply briefs by January 30, 2017.

9. On January 24, 2017, the Corps provided notice of a Presidential Memorandum Regarding Construction of the Dakota Access Pipeline. ECF No. 89.

10. On January 25, 2017, the Court issued a minute order setting a Status Conference for January 30, 2017.

11. The United States seeks this extension because of the federal government's change in administration, which took place on January 20, 2017. Because of the change in administration, the Army and the Department of Justice also experienced a transition in leadership. The United States requires additional time to brief the new leadership of the Army and the Department of Justice on this case before filing its Reply brief in this case.

12. The Corps therefore requests a twenty-one-day extension of its deadline for filing its Reply brief in support of its Motion to Dismiss Dakota Access's cross-claim.

13. This motion is made in good faith and not for the purposes of delay. The granting of this motion will not cause undue injury or prejudice to the Parties' interests in this case. Rather, the requested relief, if granted, will further the informed and efficient resolution of this case.

WHEREFORE, the Corps hereby respectfully requests that the Court:

Order a twenty-one-day extension of the January 30, 2017 deadline for filing any Reply briefs in support of all Motions to Dismiss or for Summary Judgment on Dakota Access's Cross-claim.

Dated: January 26, 2017

Respectfully submitted,

JEFFREY H. WOOD  
Acting Assistant Attorney General  
Environment & Natural Resources Division

By: /s/ Matthew Marinelli

MATTHEW MARINELLI, IL Bar 6277967  
U.S. Department of Justice  
Natural Resources Section  
P.O. Box 7611  
Benjamin Franklin Station  
Washington, DC 20044  
Phone: (202) 305-0293  
Fax: (202) 353-2021  
[matthew.marinelli@usdoj.gov](mailto:matthew.marinelli@usdoj.gov)

ERICA M. ZILIOLI, D.C. Bar 488073  
U.S. Department of Justice  
Environmental Defense Section  
P.O. Box 7611  
Washington, DC 20044  
Phone: (202) 514-6390  
Fax: (202) 514-8865

[Erica.Zilioli@usdoj.gov](mailto:Erica.Zilioli@usdoj.gov)

*Attorneys for the United States Army Corps  
of Engineers*

OF COUNSEL:

MILTON BOYD  
MELANIE CASNER  
U.S. Army Corps of Engineers  
Office of Chief Counsel  
Washington, DC

**CERTIFICATE OF SERVICE**

I hereby certify that, on the 26th day of January, 2017, a copy of the foregoing was filed through the Court's CM/ECF management system and electronically served on counsel of record.

/s/ Matthew Marinelli

Matthew Marinelli