

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

DOWNWIND, LLC; and GOLDEN BRIDGE, LLC **PLAINTIFFS**

v. **3:16-cv-207-DPM**

**UNITED STATES DEPARTMENT OF ENERGY;
ERNEST MONIZ, in his official capacity as
Secretary of the United States Department of Energy;
SOUTHWESTERN POWER ADMINISTRATION;
and SCOTT CARPENTER, in his official capacity as
Administrator of the Southwestern Power
Administration** **DEFENDANTS**

**PLAINS & EASTERN CLEAN
LINE HOLDINGS, LLC** **INTERVENOR**

FINAL SCHEDULING ORDER

- The Court adopts with slight modification, the parties’ proposed schedule for handling this case. *No 23 at 9*. The tentative trial date is cancelled.
- Administrative record due..... **30 January 2017**
- Motion for additional time to review record..... **27 February 2017**
- Any request to supplement administrative record (if additional time not requested)..... **30 March 2017**

- If no request for supplementation is made, Plaintiffs' motion for judgment due... **28 April 2017**
(or 30 days after record completed)

- Defendants and Intervenor's response to Plaintiffs' motions for judgment. **29 May 2017**
(or 30 days after motion is filed)

- Defendants' and Intervenor's cross motions for judgment and response due. **28 June 2017**
(or 30 days after motion is filed)

- Plaintiffs' reply and response due **28 July 2017**
(or 30 days after cross motions/responses filed)

- Defendants' and Intervenor's replies due. . . **14 August 2017**
(or 15 days after response filed)

- Hearing on motions in Little Rock Courtroom #B-155 at 9:30 a.m.. **14 November 2017**

- **Motions for Judgment.** Though the parties' cross motions will be for judgment on the administrative record, please follow the Federal Rule of Civil Procedure 56 and Local Rule 56.1 as if they were motions for summary judgment. Limit your Rule 56.1 statements to *material* facts. Include a *specific* supporting administrative record citation for each fact asserted. Responding statements of fact must repeat the statement being responded to—like a discovery response. Include a *specific* supporting administrative record citation for each fact disputed or asserted in the responding statement. A party's substantial failure to follow these procedures will result in the party having to correct its filing. The Court

would appreciate the parties sending a courtesy paper copy of their motion papers to chambers.

- **Conflicts Of Interest.** Counsel must check the Court's recusal list on file in the U.S. District Clerk's Office to determine whether there is any conflict that might require recusal. If any party is a subsidiary or affiliate of any company in which the Court has a financial interest, counsel should bring that fact to the Court's attention immediately.

Please communicate with Sherri Black, Courtroom Deputy, by e-mail at *sherri_black@ared.uscourts.gov* to check your position on the calendar as the hearing date approaches. In the event of settlement, advise Sherri Black immediately.

**AT THE DIRECTION OF THE COURT
JAMES W. McCORMACK, CLERK**

By: /s/ Sherri Black
Courtroom Deputy to
Judge D. P. Marshall Jr.

10 January 2017