

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

STANDING ROCK SIOUX TRIBE,

Plaintiff,

and

CHEYENNE RIVER SIOUX TRIBE,

Plaintiff-Intervenor,

v.

U.S. ARMY CORPS OF ENGINEERS,

Defendant-Cross  
Defendant,

and

DAKOTA ACCESS, LLC,

Defendant-Intervenor-  
Cross Claimant.

Case No. 1:16-cv-1534-JEB

**OPPOSITION TO MOTION FOR EXTENSION OF TIME**

The Standing Rock Sioux Tribe respectfully opposes the motion for extension of time filed by defendant U.S. Army Corps of Engineers. While the Tribe and its counsel ordinarily would not object to reasonable modifications to the briefing schedule, this is not an ordinary

situation. The Tribe has worked tirelessly to present the issues in this case to the Court on a schedule that would allow their resolution prior to the initiation of pipeline operations. The easement decision at the heart of this case was issued on February 8—the key underlying documents were not provided to the Tribe until the following day. Even so, the Tribe filed its summary judgment motion just a few days later, after securing the parties’ agreement to the schedule that gave the Corps and Dakota Access a full three weeks to prepare opposition briefs. That agreed schedule was based on Dakota Access’s representation to the Court that construction would take between 60 and 83 days to complete. Once the schedule was agreed upon, however, it became evident that construction was proceeding much faster. Accordingly, as it stands already, it will be difficult to complete briefing and render a decision before operations commence, which gravely prejudices the Tribe.

The Tribe recognizes that this case creates significant burdens on all counsel as well as the Court. However, the Corps agreed to the schedule with full knowledge of the change in its legal team, and with full knowledge of the issues that were to be presented in the Tribe’s motion. And the Tribe has worked closely with Cheyenne River Sioux Tribe, other parties, and opposing counsel to minimize the risk that other filings (like CRST’s summary judgment motion) would interfere with the agreed briefing schedule. As the Court recognized during a recent status conference, this case should be a high priority for resources within the Department of Justice, and the Tribe believes that it is. For that reason, the Tribe respectfully requests that the Corps be granted no more than two additional days to finalize its brief.

Whether the Court grants a two-day or a seven-day extension, the Tribe respectfully requests that Dakota Access be held to the original deadline. Dakota Access has not indicated an intention to seek additional time, has not presented any justification requiring additional time,

and does not face the same issues as the Corps, such as a change in the lead counsel role. If Dakota Access files its brief on March 7, as it previously agreed, it will allow the Tribe to begin work on its reply brief prior to the Corps filing its opposition.<sup>1</sup>

Dated: March 3, 2017

Respectfully submitted,

/s/ Jan E. Hasselman

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<sup>1</sup> Under the current schedule, the Tribe has two weeks to reply to the Dakota Access and Corps oppositions. Accordingly, if the Court grants an extension, the Tribe respectfully requests an equivalent extension for its reply, although it will endeavor to file its reply prior to the deadline.

**CERTIFICATE OF SERVICE**

I hereby certify that on March 3, 2017, I electronically filed the foregoing *OPPOSITION TO MOTION FOR EXTENSION OF TIME* with the Clerk of the Court using the CM/ECF system, which will send notification of this filing to the attorneys of record and all registered participants.

/s/ Jan E. Hasselman

Jan E. Hasselman