

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION

DACOTA CHAPTER OF SIERRA CLUB)	
and DAKOTA RESOURCE COUNCIL,)	Case No. 1:12-cv-65
)	
Plaintiffs,)	DEFENDANT’S NOTICE OF
v.)	OPPOSITION TO PLAINTIFFS’
)	RESPONSE TO MOTION TO
SECRETARY OF THE INTERIOR KEN)	INTERVENE
SALAZAR, in his official capacity,)	
)	
Defendant.)	

Defendant Ken Salazar, Secretary of the United States Department of the Interior, submits this notice of opposition to Plaintiffs’ response to North Dakota Public Service Commission’s (“NDPSC”) pending motion to intervene. *See* Dkt. No. 9; Dkt. No. 7. Plaintiffs have requested the Court to impose various limitations on NDPSC’s intervention. Defendant objects specifically to two of the four requested limitations, listed in paragraphs 2(a) and (d) of Plaintiffs’ response, which request that Defendant determine whether its position could be set forth in a “consolidated” fashion with NDPSC and that Defendant file a “joint” statement of fact together with NDPSC at the summary judgment stage.

While Defendant does not take a position on NDPSC’s requested intervention, Defendant respectfully objects to Plaintiffs’ requested limitations because the Department of Justice cannot share draft briefs with outside parties, and therefore cannot present consolidated briefing or joint statements of fact. While Defendant agrees that it will be useful and appropriate to meet and confer with NDPSC on potential filings so as to avoid

unnecessarily duplicative arguments, Defendant opposes any formal limitation that would require the filing of consolidated briefing or joint statements of fact.

Respectfully submitted this 6th day of August, 2012.

IGNACIA S. MORENO
Assistant Attorney General

By: /s/ Joanna K. Brinkman
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I hereby certify that on August 6, 2012, the above-captioned document was filed electronically with the Clerk of Court through ECF, and that ECF will send a Notice of Electronic Filing (NEF) to all counsel of record.

/s/ Joanna K. Brinkman
Joanna K. Brinkman

Brandner, Tara B.

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U.S. District Court

District of North Dakota

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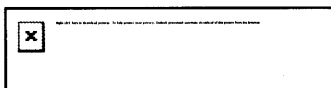
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