

**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,  
and  
DAKOTA ACCESS, LLC,  
Defendant-Intervenor-Cross Claimant.

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

**RESPONSE OF DAKOTA ACCESS, LLC TO STANDING ROCK SIOUX TRIBE'S  
MOTION FOR EXTENSION OF TIME FOR RESPONSE / REPLY BRIEF**

Dakota Access ordinarily would not object to more time for an opposing brief, especially where the object is more efficient briefing. But this is not an ordinary situation. When Dakota Access asked to put the briefing for this very motion on a schedule that allowed for consolidation and, hence, greater efficiency, Standing Rock Sioux Tribe objected. Not once, but twice. First, it opposed consolidating its own motion for partial summary judgment with that of Cheyenne River Sioux Tribe. Then, when the U.S. Army Corps of Engineers received more time for its response, Standing Rock successfully urged the Court to make Dakota Access file a week earlier.

Those two moves forced Dakota Access to file its opposition—to a summary judgment motion, no less—without access to the full Administrative Record. The Corps had advised the Court and the parties that it would make that record available March 10—three days after Dakota

Access needed to file its opposition. Standing Rock knew this but still objected to any change to Dakota Access's due date. And Standing Rock chose to move for partial summary judgment based on decisions and events that post-date July 25, 2016 (the last date covered by the previously available record). Now that Standing Rock received the schedule it requested, and now that it has made arguments that depend on a record that was not available at the time of its motion, it asks the Court to give it even more time so that *it* can file a reply that takes advantage of the additional record that Dakota Access only now has received.

Under these unusual circumstances, the Court should hold Standing Rock to the schedule it requested. Standing Rock should file its reply to Dakota Access's opposition brief on the date the Tribe previously requested—March 21—regardless of whether the Court gives the Tribe more time to reply to the Corps's opposition and respond to the Corps's cross-motion. Standing Rock does not need more time to incorporate new Administrative Record materials into its reply to Dakota Access's brief, because it would be inappropriate for that reply to include any part of the Administrative Record not available to the parties when Dakota Access filed its response brief. The Court should not reward such tactics.

Dated: March 16, 2017

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Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 16th day of March, 2017, I electronically filed the foregoing document using the CM/ECF system. Service was accomplished by the CM/ECF system.

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