

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

STANDING ROCK SIOUX TRIBE,
Plaintiff,

and

CHEYENNE RIVER SIOUX TRIBE,
Plaintiff–Intervenor,

v.

UNITED STATES ARMY CORPS OF
ENGINEERS,
Defendant–Cross Defendant,

and

DAKOTA ACCESS, LLC,
Defendant–Intervenor–Cross Claimant.

Case Number: 16-cv-1534 (JEB)

**CROSS CLAIMANT DAKOTA ACCESS, LLC’S
MOTION FOR SUMMARY JUDGMENT**

Cross-Claimant Dakota Access, LLC (“Dakota Access”), pursuant to Rule 56 of the Federal rules of Civil Procedure and Local Civil Rule 7(h), respectfully moves the Court to enter summary judgment in its favor and to issue a declaration that the U.S. Army Corps of Engineers has issued a right of way under 30 U.S.C. § 185(a) to construct, operate, and maintain the pipeline beneath federal land at Lake Oahe, North Dakota, and that the right-of-way is subject to the “Conditions of Easement (Lake Oahe)” set forth in the July 25, 2016 Mitigated Findings of No Significant Impact. As set forth in the accompanying Memorandum of Law, Declaration of William S. Scherman, and attached exhibits thereto, Dakota Access is entitled to judgment as a

matter of law.

Pursuant to Local Rule 7(f), Dakota Access respectfully requests oral argument on this Motion at the Court's earliest convenience. Dakota Access is prepared to present argument on this Motion at the status conference scheduled in the above-captioned matter for December 9, 2016.

Dated: December 5, 2016

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CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of December, 2016, I electronically filed the foregoing document with the Clerk of the Court for the U.S. District Court for the District of Columbia using the CM/ECF system. Service was accomplished by the CM/ECF system on the following counsel:

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