
From: Justin L. Bell [<mailto:JLB@mayadam.net>]

Sent: Monday, February 01, 2016 7:01 PM

To: Barnett, Judge Mark (UJS)

Cc: Edwards, Kristen; trealbird@ndnlaw.com; paty.vangerpen@state.sd.us; Wiest, Rolayne; Grode, Lori; Brett Koenecke; Kara C. Semmler

Subject: In Re Dakota Access (MAGT 0300) (Civ. 16-20)

Judge Barnett,

I am attaching a courtesy copy of a Motion to Dismiss and a Memorandum in Support thereof.

We appreciate your consideration of this matter. This is an extensive record and considering the recent statement of issues filed, and for the sake of everyone involved, it is in everyone's best interest to resolve this issue in a timely fashion before the parties need the Court begin work on the merits. As this is a jurisdictional and very narrow issue that can be resolved solely by looking at the current record, Dakota Access is of the position that this matter could be heard on the pleadings/briefs. However, if the Court desires oral argument, Dakota Access would request a hearing on the motion to dismiss as early as could be had by the Court's calendar and which would allow timely service on Yankton Sioux Tribe.

Lori- if the Court wants a hearing, could you please send the list of counsel dates, starting with what you have available on the 22nd of February? At that point, we can see if we can work out a hearing time amongst counsel.

Best Regards,

Justin L. Bell

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