

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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Case No. 1:20-cv-01142-JTN-RSK Hon.

THE STATE OF MICHIGAN,  
GOVERNOR OF THE STATE OF  
MICHIGAN, and MICHIGAN  
DEPARTMENT OF NATURAL  
RESOURCES,

Janet T. Neff

Plaintiffs,

v.

ENBRIDGE ENERGY, LIMITED  
PARTNERSHIP, ENBRIDGE ENERGY  
COMPANY, INC., and ENBRIDGE  
ENERGY PARTNERS, L.P,

Defendants.

)

**DEFENDANTS' UNUPPOSED MOTION TO EXTEND TIME**

**TO FILE RESPONSIVE PLEADING**

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Defendants Enbridge Energy, Limited Partnership, Enbridge Energy Company, Inc., and Enbridge Energy Partners, L.P. (collectively, “Enbridge”) respectfully move this Court to extend the date by which Enbridge must file a responsive pleading, pursuant to Fed R. Civ. P. 6(b). In support of its request for an extension of time, Enbridge states as follows:

1. On November 13, 2020, Plaintiffs filed an action in state court seeking to shut down an Enbridge international pipeline (“Line 5”) that has been safely serving the energy needs of multiple states and parts of Canada for over 65 years. *See* Compl. at 19, ECF No.1-1, PageID.37 (seeking an injunction requiring Enbridge to “cease operation of the Straits Pipelines”).

2. On November 24, 2020, Enbridge removed the case to federal court. As Enbridge explained, Plaintiffs’ claims necessarily arise under federal law, regardless of whether Plaintiffs’ affix state law labels to their claims, and those claims require resolution in a federal forum. *See* Notice of Removal, ECF No. 1, PageID.1-14. Numerous governments in Canada and the United States, labor organizations, and others have already voiced their strong opposition to the shutdown order.

3. Enbridge's response to Plaintiffs' Complaint is due on December 15, 2020. 4. Enbridge wishes to respond to Plaintiff's Complaint with a dispositive motion. The Complaint is rooted in perceived safety risks of Line 5's operations in the Straits of Mackinac, and thereby raises substantial questions of federal law in an area where federal regulation and national and international interests are not only pervasive but also preemptive of state interference. Thus, pursuant to the Court's practice guidelines, Enbridge is requesting, contemporaneously herewith, a pre-motion conference for a date to be scheduled by the Court.

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5. Accordingly, Enbridge requests an extension of time in which to file its responsive pleading, until a date after the pre-motion conference.

6. An extension of time to respond will allow the parties to attend the pre-motion conference to be set by the Court before Enbridge files its Rule 12 motion. 7. Pursuant to L. Civ. R. 7.1(d), Defendants sought concurrence in the relief requested in this motion from Plaintiffs' counsel on December 4, 2020. Plaintiffs' counsel concurred, subject to the following reservations, which Defendants do not oppose: (1) Plaintiffs are prepared to agree to a reasonable extension of time not to exceed 30 days from the date that the Court rules on the request for a pre-motion conference (or such other time as the Court may direct); and (2) that this concurrence should not be interpreted as a consent by Plaintiffs to removal, with respect to which Plaintiffs reserve all rights.

8. This motion is therefore unopposed.

Respectfully submitted,

*/s/ Peter H. Ellsworth*

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*Counsel for Defendants*

Dated: December 4, 2020

**CERTIFICATE OF SERVICE**

I hereby certify that on December 4, 2020, the foregoing document was served upon  
Plaintiffs' counsel of record via the ECF filing system.

/s/ Peter H. Ellsworth

