

IN THE SUPREME COURT OF IOWA

No. 17-0423

Polk County No. CVCV051987

Polk County No. CVCV051990

Polk County No. CVCV051997

Polk County No. CVCV051999

ORDER

**KEITH PUNTENNEY, LAVERNE JOHNSON,
RICHARD R. LAMB, trustee of the RICHARD R. LAMB
REVOCABLE TRUST, MARIAN D. JOHNSON by her
Agent VERDELL JOHNSON, NORTHWEST IOWA
LANDOWNERS ASSOCIATION, IOWA
FARMLAND OWNERS ASSOCIATION, INC.,
and the SIERRA CLUB IOWA CHAPTER,
Petitioners-Appellants,**

and

**HICKENBOTTOM EXPERIMENTAL FARMS, INC.,
PRENDERGAST ENTERPRISES, INC,
Petitioners,**

vs.

**IOWA UTILITIES BOARD,
A DIVISION OF THE DEPARTMENT OF
COMMERCE, STATE OF IOWA,
Respondent-Appellee,**

and

**OFFICE OF CONSUMER ADVOCATE
Intervenor-Appellee,**

and

**DAKOTA ACCESS, LLC,
Indispensable Party-Appellee.**

This matter comes before the court upon a motion to dismiss filed by Dakota Access, LLC (“Dakota Access”). The appellants have filed resistances. The Office of Consumer Advocate, an intervenor, has also filed a resistance. Dakota Access has filed a reply to the resistances.

Dakota Access contends this appeal should be dismissed because the appellant, Sierra Club Iowa Chapter, has failed to establish proper standing in this matter and the remaining appellants’ claims are moot. Upon consideration, the motion to dismiss is denied. Dakota Access may raise the issues regarding standing and mootness in its appellate brief.

A notice of withdrawal of counsel was also filed by attorney Richard W. Lozier, Jr. requesting permission to withdraw as counsel for the MAIN Coalition, an intervenor in this matter. The notice indicates two other attorneys have appeared as counsel for the MAIN Coalition. Upon consideration, attorney Lozier, Jr.’s request to withdraw is granted.

Lastly, the court notes the court reporter’s certificate of filing a transcript was filed on May 2, 2017. As no other transcripts have been ordered, the clerk shall issue a briefing deadline.

Copies to:

William Hanigan
215 10th Street Suite 1300
Des Moines, IA 50309

Wallace Taylor
118 3rd Ave SE Suite 326
Cedar Rapids, IA 52401

John Stewart Long
1375 East Court Avenue
Des Moines, IA 50319

Mark Richard Schuling
1375 East Court Avenue Room 63
Des Moines, IA 50319

Brant M. Leonard
Fredrikson & Byron P.A.
309 East 5th Street Suite 202a
Des Moines, IA 50309

Benjamin John Flickinger
Iowa Utilities Board
1375 East Court Avenue
Des Moines, IA 50319-0069

David Jay Lynch
Iowa Utilities Board
1375 E. Court Ave Rm. 69
Des Moines, IA 50319

Espnola Frances Cartmill
666 Walnut St Suite 2000
Des Moines, IA 50309

Richard Lozier
666 Walnut Street
2000 Financial Center
Des Moines, IA 50309

Matthew Charles Mcdermott
666 Walnut Street Suite 2000
Des Moines, IA 50309



IOWA APPELLATE COURTS

State of Iowa Courts

Case Number
17-0423

Case Title
Puntenney v. Iowa Utilities Board

So Ordered

A handwritten signature in black ink, which appears to read "David S. Wiggins". The signature is written in a cursive style and is positioned above a horizontal line.

David S. Wiggins
Justice

Electronically signed on 2017-05-16 08:25:16