

SHORT RECORD
Appeal No. 12-3800
Filed 12/12/12

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

STATE OF MICHIGAN, *ET AL.*,)
)
Plaintiffs,)
)
GRAND TRAVERSE BAND OF OTTAWA)
AND CHIPPEWA INDIANS,)
)
Intervenor-Plaintiff,)
)
v.)
)
UNITED STATES ARMY CORPS OF)
ENGINEERS, *ET AL.*,)
)
Defendants,)
)
CITY OF CHICAGO, COALITION TO SAVE)
OUR WATERWAYS, and WENDELLA,)
SIGHTSEEING COMPANY, INC.,)
)
Intervenor-Defendants.)
_____)

Case No. 1:10-cv-04457

Hon. John J. Tharp, Jr.

NOTICE OF APPEAL

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Dated: December 12, 2012

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NOTICE OF APPEAL

Notice is hereby given that the States of Michigan, Minnesota, Ohio, and Wisconsin, the Commonwealth of Pennsylvania, and the Grand Traverse Band of Ottawa and Chippewa Indians, Plaintiffs in the above named case, hereby appeal to the United States Court of Appeals for the Seventh Circuit from the Order dismissing Plaintiffs' Complaint entered in this action on the 3rd day of December, 2012 (Docket # 243), and the Judgment entered in this action on the 10th day of December, 2012 (Docket # 246).

Respectfully submitted,

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Dated: December 12, 2012

SEVENTH CIRCUIT COURT OF APPEALS INFORMATION SHEET

Include the names of all plaintiffs (petitioners) and defendants (respondents) who are parties to the appeal. Use a separate sheet if needed.

NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION DOCKET NUMBER: 10 cv 4457

PLAINTIFF (Petitioner)	v.	DEFENDANT (Respondent)
State of Michigan/appellant		US Army Corps of Engineers/appellee

(Use separate sheet for additional counsel)

PETITIONER'S COUNSEL		RESPONDENT'S COUNSEL	
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Other Information			
District Judge	Tharp Jr.	Date Filed in District Court	7/19/10
Court Reporter	C. Cox X-5639	Date of Judgment	12/11/12
Nature of Suit Code	893	Date of Notice of Appeal	12/12/12

COUNSEL: Appointed Retained Pro Se

FEE STATUS: Paid Due IFP
 IFP Pending U.S. Waived

Has Docketing Statement been filed with the District Court Clerk's Office? Yes No

If State/Federal Habeas Corpus (28 USC 2254/28 USC 2255), was Certificate of Appealability:

Granted Denied Pending

If Certificate of Appealability was granted or denied, date of order: _____

If defendant is in federal custody, please provide U.S. Marshall number (USM#): _____

IMPORTANT: THIS FORM IS TO ACCOMPANY THE SHORT RECORD SENT TO THE CLERK OF THE U.S. COURT OF APPEALS PURSUANT TO CIRCUIT RULE 3(A). Rev 04/01

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

STATE OF MICHIGAN, *ET AL.*,)
)
 Plaintiffs,)
)
 GRAND TRAVERSE BAND OF OTTAWA)
 AND CHIPPEWA INDIANS,)
)
 Intervenor-Plaintiff,)
)
 v.)
)
 UNITED STATES ARMY CORPS OF)
 ENGINEERS, *ET AL.*,)
)
 Defendants,)
)
 CITY OF CHICAGO, COALITION TO SAVE)
 OUR WATERWAYS, and WENDELLA,)
 SIGHTSEEING COMPANY, INC.,)
)
 Intervenor-Defendants.)
 _____)

Case No. 1:10-cv-04457

Hon. John J. Tharp, Jr.

PLAINTIFFS-APPELLANTS' DOCKETING STATEMENT

Plaintiffs-Appellants, the States of Michigan, Wisconsin, Minnesota, and Ohio, the Commonwealth of Pennsylvania, and the Grand Traverse Band of Ottawa and Chippewa Indians, submit this Docketing Statement pursuant to Circuit Rule 3 of the Circuit Rules of the United States Court of Appeals for the Seventh Circuit and with respect to their Notice of Appeal from the District Court's December 3, 2012 Order dismissing Plaintiffs' complaint (Docket #243) and final Judgment entered on December 10, 2012 (Docket # 246).

1. Statement Concerning the District Court's Jurisdiction

As alleged in paragraph 2 of the Complaint (Docket #1), the District Court has federal question jurisdiction under 28 U.S.C. § 1331 and 5 U.S.C. § 702 as this is a civil action seeking injunctive and declaratory relief pursuant to the Administrative Procedures Act, 5 U.S.C. § 701 *et seq*, and the federal common law of public nuisance.

2. Statement Concerning Appellate Jurisdiction

The United States Court of Appeals for the Seventh Circuit has appellate jurisdiction under 28 U.S.C. § 1291, which provides in relevant part:

The courts of appeals (other than the United States Court of Appeals for the Federal Circuit) shall have jurisdiction of appeals from all final decisions of the district courts of the United States, the United States District Court for the District of the Canal Zone, the District Court of Guam, and the District Court of the Virgin Islands, except where a direct review may be had in the Supreme Court.

The Judgment of the District Court appealed here (Docket # 246) is a final decision, which states: “Upon dismissal of complaint and plaintiff’s notice that it does not intend to file an amended complaint, the case is dismissed with prejudice.” It was entered by the District Court pursuant to the Court’s December 3, 2012 Memorandum Opinion and Order (Docket # 243) that granted the Defendants’ motions to dismiss and the subsequent filing of Plaintiffs Notification of Intention Not to Amend Complaint (Docket # 244).

The Notice of Appeal was timely filed with the District Court Clerk on December 12, 2012. Under F. R. App. P. 4(a)(1)(B), when the United States or a

federal agency is a party, the notice of appeal may be filed by any party within 60 days after the judgment or order appealed from is entered.

3. Prior Related Appellate Proceedings

Plaintiffs-Appellants previously appealed the December 2, 2010 Order of the District Court (Docket # 155) denying their motion for preliminary injunction (Docket # 9) to the United States Court of Appeals for the Seventh Circuit, *State of Michigan, et al v. United States Army Corps of Engineers*, (7th Cir. No. 10-3891). The Court of Appeals affirmed the December 2, 2010 Order of the District Court in its Opinion issued on August 24, 2011 (Court of Appeals Docket # 44) and Final Judgment entered on August 25, 2011 (Court of Appeals Docket # 45). The Court of Appeals Opinion is published at 667 F. 3d 765.

Respectfully submitted,

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Dated: December 12, 2012

**UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF LIVE, Ver 5.0.3
Eastern Division**

State of Wisconsin, et al.

Plaintiff,

v.

Case No.: 1:10-cv-04457
Honorable John J. Tharp Jr.

United States Army Corps Of Engineers, et al.

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Monday, December 10, 2012:

MINUTE entry before Honorable John J. Tharp, Jr: Pursuant to the terms of the Court's December 3, 2012 order dismissing the complaint without prejudice [243] and in consideration of the Plaintiffs' notice of intention not to amend the complaint [244], the Court dismisses this case with prejudice. Case terminated. Mailed notice (air,)

ATTENTION: This notice is being sent pursuant to Rule 77(d) of the Federal Rules of Civil Procedure or Rule 49(c) of the Federal Rules of Criminal Procedure. It was generated by CM/ECF, the automated docketing system used to maintain the civil and criminal dockets of this District. If a minute order or other document is enclosed, please refer to it for additional information.

For scheduled events, motion practices, recent opinions and other information, visit our web site at www.ilnd.uscourts.gov.

UNITED STATES DISTRICT COURT

for the

Northern District of Illinois

State of Wisconsin, State of Michigan, State of Minnesota, State of Ohio, Commonwealth of

Pennsylvania

Plaintiff

v.

United States Army Corps of Engineers, Metropolitan Water Reclamation District of Greater Chicago

Defendant

Civil Action No. 10c4457

JUDGMENT IN A CIVIL ACTION

The court has ordered that (check one):

[] the plaintiff (name) _____ recover from the defendant (name) _____ the amount of _____ dollars (\$ _____), which includes prejudgment interest at the rate of _____ %, plus postjudgment interest at the rate of _____ %, along with costs.

[] the plaintiff recover nothing, the action be dismissed on the merits, and the defendant (name) _____ recover costs from the plaintiff (name) _____

[X] other:

Upon dismissal of complaint and plaintiff's notice that it does not intend to file an amended complaint, this case is dismissed with prejudice.

This action was (check one):

[] tried by a jury with Judge _____ presiding, and the jury has rendered a verdict.

[] tried by Judge _____ without a jury and the above decision was reached.

[X] decided by Judge John J. Tharp, Jr. on a motion for dismissal of complaint.

Date: Dec 10, 2012

Thomas G. Bruton, Clerk of Court



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Document: 1-1

Filed: 12/12/2012

Pages: 38

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APPEAL,COLE,TERMED

United States District Court
Northern District of Illinois - CM/ECF LIVE, Ver 5.0.3 (Chicago)
CIVIL DOCKET FOR CASE #: 1:10-cv-04457
Internal Use Only

State of Michigan, et al v. United States Army Corps of Engineers, et al
Assigned to: Honorable John J. Tharp, Jr
Case in other court: 10-03891
Cause: 30:181 Environment: Review of Agency Action

Date Filed: 07/19/2010
Date Terminated: 12/10/2012
Jury Demand: None
Nature of Suit: 893 Environmental Matters
Jurisdiction: Federal Question

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Case: 12-3800 Document: 1-1 Filed: 12/12/2012 Pages: 38

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Intervenor

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TERMINATED: 01/31/2011

Intervenor

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Case: 12-3800 Document: 1-1

Filed: 12/12/2012 Pages: 38

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Date Filed	#	Docket Text
07/19/2010	1	COMPLAINT <i>for Injunctive and Declaratory Relief</i> filed by State of Michigan; Filing fee \$ 350, receipt number 0752-5025558.(Reichel, Robert) (Entered: 07/19/2010)
07/19/2010		CASE ASSIGNED to the Honorable Robert M. Dow, Jr. Designated as Magistrate Judge the Honorable Jeffrey T. Cole. (lcw,) (Entered: 07/19/2010)
07/19/2010	2	CIVIL Cover Sheet (Reichel, Robert) (Entered: 07/19/2010)
07/19/2010	3	ATTORNEY Appearance for Plaintiff State of Michigan by Robert P. Reichel (Reichel, Robert) (Entered: 07/19/2010)
07/19/2010	4	ATTORNEY Appearance for Plaintiff State of Michigan by Louis B. Reinwasser (Reinwasser, Louis) (Entered: 07/19/2010)
07/19/2010	5	ATTORNEY Appearance for Plaintiff Commonwealth of Pennsylvania by John Bartley Delone (Delone, John) (Entered: 07/19/2010)
07/19/2010	6	ATTORNEY Appearance for Plaintiff State of Wisconsin by Cynthia Rae Hirsch (Hirsch, Cynthia) (Entered: 07/19/2010)
07/19/2010		SUMMONS Issued as to United States Army Corps Of Engineers (emd,) (Entered: 07/19/2010)
07/19/2010		SUMMONS Issued as to Defendant Metropolitan Water Reclamation District of Greater Chicago (emd,) (Entered: 07/19/2010)
07/19/2010	7	ATTORNEY Appearance for Plaintiff State of Minnesota by Peter James Shaw (Shaw, Peter) (Entered: 07/19/2010)
07/19/2010	8	ATTORNEY Appearance for Plaintiff State of Ohio by Lee Ann Rabe (Rabe, Lee) (Entered: 07/19/2010)
07/19/2010	9	MOTION by Plaintiff State of Michigan for preliminary injunction (Reichel, Robert) (Entered: 07/19/2010)
07/19/2010	10	NOTICE of Motion by Robert P. Reichel for presentment of motion for preliminary injunction 9 before Honorable Robert M. Dow Jr. on 7/28/2010 at 10:00 AM. (Reichel, Robert) (Entered: 07/19/2010)

07/19/2010	11	AFFIDAVIT by Plaintiff State of Michigan in Support of MOTION by Plaintiff State of Michigan for preliminary injunction 9 <i>Tammy J. Newcomb, Ph.D.</i> (Reichel, Robert) (Entered: 07/19/2010)
07/19/2010	12	AFFIDAVIT by Plaintiff State of Michigan in Support of MOTION by Plaintiff State of Michigan for preliminary injunction 9 <i>John C. Taylor, Ph.D.</i> (Reichel, Robert) (Entered: 07/19/2010)
07/19/2010	13	EXHIBIT by Plaintiff State of Michigan regarding MOTION by Plaintiff State of Michigan for preliminary injunction 9 (Attachments: # 1 Exhibit Exhibit 1, # 2 Exhibit Exhibit 2, # 3 Exhibit Exhibit 3, # 4 Exhibit Exhibit 4, # 5 Exhibit Exhibit 5, # 6 Exhibit Exhibit 6, # 7 Exhibit Exhibit 7, # 8 Exhibit Exhibit 8, # 9 Exhibit Exhibit 9, # 10 Exhibit Exhibit 10, # 11 Exhibit Exhibit 11, # 12 Exhibit Exhibit 12, # 13 Exhibit Exhibit 13, # 14 Exhibit Exhibit 14, # 15 Exhibit Exhibit 15, # 16 Exhibit Exhibit 16, # 17 Exhibit Exhibit 17, # 18 Exhibit Exhibit 18, # 19 Exhibit Exhibit 19, # 20 Exhibit Exhibit 20, # 21 Exhibit Exhibit 21, # 22 Exhibit Exhibit 22, # 23 Exhibit Exhibit 23, # 24 Exhibit Exhibit 24, # 25 Exhibit Exhibit 25, # 26 Exhibit Exhibit 26, # 27 Exhibit Exhibit 27, # 28 Exhibit Exhibit 28, # 29 Exhibit Exhibit 29, # 30 Exhibit Exhibit 30, # 31 Exhibit Exhibit 31, # 32 Exhibit Exhibit 32, # 33 Exhibit Exhibit 33, # 34 Exhibit Exhibit 34, # 35 Exhibit Exhibit 35, # 36 Exhibit Exhibit 36, # 37 Exhibit Exhibit 37, # 38 Exhibit Exhibit 38, # 39 Exhibit Exhibit 39, # 40 Exhibit Exhibit 40, # 41 Exhibit Exhibit 41, # 42 Exhibit Exhibit 42, # 43 Exhibit Exhibit 43, # 44 Exhibit Exhibit 44, # 45 Exhibit Exhibit 45, # 46 Exhibit Exhibit 46)(Reichel, Robert) (Entered: 07/19/2010)
07/19/2010	14	MOTION by Plaintiff State of Michigan for leave to file excess pages (Attachments: # 1 Proposed Brief - Mot P.I.)(Reichel, Robert) (Entered: 07/19/2010)
07/19/2010	15	NOTICE of Motion by Robert P. Reichel for presentment of motion for leave to file excess pages 14 before Honorable Robert M. Dow Jr. on 7/28/2010 at 10:00 AM. (Reichel, Robert) (Entered: 07/19/2010)
07/20/2010	16	CERTIFICATE of Service by Plaintiff State of Michigan regarding summons issued as to USA, complaint 1 <i>July 19, 2010</i> (Reichel, Robert) (Entered: 07/20/2010)
07/20/2010	17	CERTIFICATE of Service by Plaintiff State of Michigan regarding notice of motion 10 , affidavit in support of motion 11 , notice of motion 15 , exhibit,,,,, 13 , MOTION by Plaintiff State of Michigan for preliminary injunction 9 , affidavit in support of motion 12 , MOTION by Plaintiff State of Michigan for leave to file excess pages 14 <i>July 20, 2010</i> (Reichel, Robert) (Entered: 07/20/2010)
07/20/2010	18	MINUTE entry before Honorable Robert M. Dow, Jr: Plaintiffs' motion to exceed page limit 14 is granted. Defendants will be permitted similar leeway should they determine that additional pages beyond those permitted under this district's local rules are necessary for their response brief. Mailed notice (tbk,) (Entered: 07/20/2010)
07/21/2010	19	ATTORNEY Appearance for Defendant Metropolitan Water Reclamation District of Greater Chicago by Frederick M. Feldman (Feldman, Frederick) (Entered: 07/21/2010)
07/21/2010	20	ATTORNEY Appearance for Defendant Metropolitan Water Reclamation District of Greater Chicago by Ronald Michael Hill (Hill, Ronald) (Entered: 07/21/2010)
07/21/2010	21	ATTORNEY Appearance for Defendant United States Army Corps Of Engineers by Matthew Michael Marinelli (Marinelli, Matthew) (Entered: 07/21/2010)
07/21/2010	22	NOTICE by Matthew Michael Marinelli of Change of Address (Marinelli, Matthew) (Entered: 07/21/2010)
07/21/2010	23	MOTION by Defendants Metropolitan Water Reclamation District of Greater Chicago,

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 United States Army Corps Of Engineers to set a briefing schedule (Attachments: # [1](#) Certificate of Service)(Marinelli, Matthew) (Entered: 07/21/2010)

07/21/2010	24	NOTICE of Motion by Matthew Michael Marinelli for presentment of motion by filer to set a briefing schedule 23 before Honorable Robert M. Dow Jr. on 7/28/2010 at 09:15 AM. (Attachments: # 1 Certificate of Service)(Marinelli, Matthew) (Entered: 07/21/2010)
07/22/2010	25	DESIGNATION of Kurt N. Lindland as U.S. Attorney for Defendant United States Army Corps Of Engineers (Lindland, Kurt) (Entered: 07/22/2010)
07/22/2010	26	Plaintiffs' Brief in Support of Motion for Preliminary Injunction by State of Michigan (Reichel, Robert) (Entered: 07/22/2010)
07/22/2010	29	MINUTE entry before Honorable Robert M. Dow, Jr: Motion by defendants Metropolitan Water Reclamation District of Greater Chicago, United States Army Corps of Engineers to set a briefing schedule 243 is granted. Notice of Motion date of 7/28/2010 is stricken and no appearances are necessary on that date. It Is Ordered that Defendants shall file their response to Plaintiffs' Preliminary Injunction motion 9 on or before 8/4/2010; Plaintiffs shall file their reply to defendants' response by 8/13/2010. Status hearing set for 8/16/2010 at 9:30 AM. to discuss the matters to be addressed and the expected duration of the hearing on Plaintiffs' Preliminary Injunction Motion 9 ; and a hearing regarding Plaintiffs' Preliminary Injunction motion is scheduled for 8/23/1020 at 9:30 AM. [For further details see separate order(s).] Mailed notice (jmp,) (Entered: 07/27/2010)
07/22/2010	30	ENTER ORDER Signed by the Honorable Robert M. Dow, Jr on 7/22/2010: Mailed notice (jmp,) (Entered: 07/27/2010)
07/23/2010	27	ATTORNEY Appearance for Defendant Metropolitan Water Reclamation District of Greater Chicago by Ellen Marie Avery (Avery, Ellen) (Entered: 07/23/2010)
07/23/2010	28	ATTORNEY Appearance for Defendant Metropolitan Water Reclamation District of Greater Chicago by Lisa Luhrs Draper (Draper, Lisa) (Entered: 07/23/2010)
07/27/2010	31	ATTORNEY Appearance for Intervenor City Of Chicago by Diane M. Pezanoski (Pezanoski, Diane) (Entered: 07/27/2010)
07/27/2010	32	ATTORNEY Appearance for Intervenor City Of Chicago by Mortimer Parker Ames (Ames, Mortimer) (Entered: 07/27/2010)
07/27/2010	33	ATTORNEY Appearance for Intervenor City Of Chicago by Graham G. McCahan (McCahan, Graham) (Entered: 07/27/2010)
07/27/2010	34	MOTION by Intervenor City Of Chicago to intervene <i>or leave to participate as amicus curiae</i> , MOTION by Intervenor City Of Chicago for extension of time <i>to file pleading</i> (Attachments: # 1 Certificate of Service)(McCahan, Graham) (Entered: 07/27/2010)
07/27/2010	35	<i>Emergency</i> NOTICE of Motion by Graham G. McCahan for presentment of motion to intervene, extension of time 34 before Honorable Robert M. Dow Jr. on 7/29/2010 at 09:15 AM. (McCahan, Graham) (Entered: 07/27/2010)
07/27/2010	36	MEMORANDUM in Support of Motion to Intervene by City Of Chicago (<i>w/ exhibits</i>) (Attachments: # 1 Affidavit, # 2 Declaration, # 3 Declaration)(McCahan, Graham) Modified on 7/28/2010 (kj,). (Entered: 07/27/2010)
07/28/2010	37	ATTORNEY Appearance for Defendant Metropolitan Water Reclamation District of Greater Chicago by Brendan George O'Connor (O'Connor, Brendan) (Entered: 07/28/2010)

07/28/2010	32	RESPONSE by State of Michigan in Opposition to MOTION by Intervenor City Of Chicago to intervene <i>or leave to participate as amicus curiae</i> MOTION by Intervenor City Of Chicago for extension of time <i>to file pleading</i> 34 (Reichel, Robert) (Entered: 07/28/2010)
07/28/2010	39	ATTORNEY Appearance for Defendant United States Army Corps Of Engineers by Maureen Elizabeth Rudolph (Rudolph, Maureen) (Entered: 07/28/2010)
07/29/2010	40	NOTICE by Lee Ann Rabe of Change of Address (Rabe, Lee) (Entered: 07/29/2010)
07/29/2010	41	MINUTE entry before Honorable Robert M. Dow, Jr: Motion by City of Chicago to intervene 34 and Motion for extension of time 34 is taken under advisement; Plaintiffs' response 38 ; Defendant City of Chicago's reply due by 8/4/2010. Mailed notice (tbk,) (Entered: 07/29/2010)
07/30/2010	42	ATTORNEY Appearance for Plaintiff State of Wisconsin by Thomas J. Dawson (Dawson, Thomas) (Entered: 07/30/2010)
08/02/2010	43	MINUTE entry before Honorable Robert M. Dow, Jr: Status hearing set for 8/16/2010 at 09:30 AM. Mailed notice (tbk,) (Entered: 08/02/2010)
08/03/2010	44	ATTORNEY Appearance for Defendant Metropolitan Water Reclamation District of Greater Chicago by Margaret Theresa Conway (Conway, Margaret) (Entered: 08/03/2010)
08/03/2010	45	SUMMONS Returned Executed by State of Michigan as to Metropolitan Water Reclamation District of Greater Chicago on 7/21/2010, answer due 8/11/2010. (Reichel, Robert) (Entered: 08/03/2010)
08/04/2010	46	MOTION by Intervenor City Of Chicago for leave to file excess pages (McCahan, Graham) (Entered: 08/04/2010)
08/04/2010	47	RESPONSE by United States Army Corps Of Engineers in Opposition to MOTION by Plaintiff State of Michigan for preliminary injunction 9 (Attachments: # 1 Certificate of Service, # 2 Declaration of Assistant Secretary Jo-Ellen Darcy, # 3 Exhibit 1 to Darcy Declaration: Interim I Report, # 4 Exhibit 2 to Darcy Declaration: Interim III Report, # 5 Exhibit 3 to Darcy Declaration: Interim IIIA Report, # 6 Exhibit 4 to Darcy Declaration: Letters to Congress, # 7 Declaration of General John W. Peabody, # 8 Declaration of Colonel Vincent J. Quarles, # 9 Declaration of Dr. Tzuoh-Ying Su, # 10 Declaration of Charles B. Shea, # 11 Declaration of Michael D. Cox, # 12 Declaration of Shamel Abou-el-Seoud, # 13 Declaration of Rebecca J. Moyer, # 14 Exhibit 1 to Moyer Declaration: Review by Ian Savage, # 15 Exhibit 2 to Moyer Declaration: Review by Michael Bronzini, # 16 Exhibit 3 to Moyer Declaration: Review by C. James Kruse, # 17 Declaration of Captain LuAnn Barndt, # 18 Declaration of Duane C. Chapman, # 19 Declaration of Charles M. Wooley, # 20 Declaration of William J. Bolen, # 21 Exhibit 1 to Bolen Declaration: Asian Carp Strategy Control Framework, # 22 Exhibit 2 to Bolen Declaration: Wabash-Maumee Connection Site Visit Field Report, # 23 Declaration of John D. Rogner)(Rudolph, Maureen) (Entered: 08/04/2010)
08/04/2010	48	NOTICE of Motion by Graham G. McCahan for presentment of motion for leave to file excess pages 46 before Honorable Robert M. Dow Jr. on 8/16/2010 at 09:30 AM. (McCahan, Graham) (Entered: 08/04/2010)
08/04/2010	49	REPLY by City Of Chicago to MOTION by Intervenor City Of Chicago to intervene <i>or leave to participate as amicus curiae</i> MOTION by Intervenor City Of Chicago for extension of time <i>to file pleading</i> 34 (Attachments: # 1 Declaration, # 2 Declaration, # 3 Declaration, # 4 Declaration, # 5 Declaration, # 6 Declaration)(McCahan, Graham)

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08/04/2010	50	RESPONSE by City Of Chicago in Opposition to MOTION by Plaintiff State of Michigan for preliminary injunction 9 (Attachments: # 1 Declaration Decl. of Nelson Chueng, # 2 Declaration Decl. of Peter Mulvaney, # 3 Declaration Decl. of Steve E. Georgas, # 4 Declaration Decl. of Michael W. Fox, # 5 Declaration Decl. of Dr. Kathleen Ritger, M.D., # 6 Declaration Decl. of Robert Foster)(McCahan, Graham) (Entered: 08/04/2010)
08/04/2010	51	CERTIFICATE of Service for August 4, 2010 filings (McCahan, Graham) (Entered: 08/04/2010)
08/04/2010	52	RESPONSE by Metropolitan Water Reclamation District of Greater Chicago in Opposition to MOTION by Plaintiff State of Michigan for preliminary injunction 9 (Attachments: # 1 Exhibit Exhibits 1-16)(Feldman, Frederick) (Entered: 08/04/2010)
08/04/2010	53	ATTORNEY Appearance for Intervenor Coalition to Save Our Waterways by Kristin Henrichs Sculli (Sculli, Kristin) (Entered: 08/04/2010)
08/04/2010	54	MOTION by Intervenor Coalition to Save Our Waterways to intervene (Sculli, Kristin) (Entered: 08/04/2010)
08/04/2010	55	NOTICE by Metropolitan Water Reclamation District of Greater Chicago re response in opposition to motion 52 and Certificate of Service (Feldman, Frederick) (Entered: 08/04/2010)
08/04/2010	56	MEMORANDUM by Coalition to Save Our Waterways in support of motion to intervene 54 and proposed response in opposition to Plaintiff's motion for preliminary injunction (Attachments: # 1 Appendix Proposed Pleading: Response in Opposition to Plaintiffs' Motion for Preliminary Injunction, # 2 Exhibit Exhibit 1 to Proposed Pleading, # 3 Exhibit Exhibit 2 to Proposed Pleading, # 4 Exhibit Exhibit 3 to Proposed Pleading, # 5 Exhibit Exhibit 4 to Proposed Pleading, # 6 Exhibit Exhibit 5 to Proposed Pleading, # 7 Exhibit Exhibit 6 to Proposed Pleading, # 8 Exhibit Exhibit 7-1 to Proposed Pleading, # 9 Exhibit Exhibit 7-2 to Proposed Pleading, # 10 Exhibit Exhibit 8 to Proposed Pleading, # 11 Exhibit Exhibit 9 to Proposed Pleading, # 12 Exhibit Exhibit 10 to Proposed Pleading)(Sculli, Kristin) (Entered: 08/04/2010)
08/04/2010	57	NOTICE of Motion by Kristin Henrichs Sculli for presentment of motion to intervene 54 before Honorable Robert M. Dow Jr. on 8/16/2010 at 09:30 AM. (Sculli, Kristin) (Entered: 08/04/2010)
08/05/2010	58	MINUTE entry before Honorable Robert M. Dow, Jr: Before the Court are two motions filed on 8/4/10. The motion by proposed intervenor (or amicus) City of Chicago for leave to file excess pages 46 is granted. The motion of the Coalition to Save Our Waterways ("Coalition") to intervene 54 is taken under advisement. Responses to the Coalition's motion to intervene are due on 8/10/10; reply is due on 8/12/10. Mailed notice (tbk,) (Entered: 08/05/2010)
08/05/2010	59	ATTORNEY Appearance for Intervenor Coalition to Save Our Waterways by David L. Rieser (Rieser, David) (Entered: 08/05/2010)
08/05/2010	60	MOTION by Defendant Metropolitan Water Reclamation District of Greater Chicago for extension of time to file answer regarding complaint 1 For Injunctive and Declaratory Relief (Feldman, Frederick) (Entered: 08/05/2010)
08/05/2010	61	NOTICE of Motion by Frederick M. Feldman for presentment of motion for extension of time to file answer, motion for relief 60 before Honorable Robert M. Dow Jr. on 8/17/2010 at 09:15 AM. (Feldman, Frederick) (Entered: 08/05/2010)

08/05/2010	62	ATTORNEY Appearance for Intervenor Wendella Sightseeing Company, Incorporated by Stuart Philip Krauskopf (Krauskopf, Stuart) (Entered: 08/05/2010)
08/05/2010	63	MOTION by Intervenor Wendella Sightseeing Company, Incorporated to intervene <i>or for Leave to Participate Amicus Curiae</i> (Krauskopf, Stuart) (Entered: 08/05/2010)
08/05/2010	64	MEMORANDUM by Wendella Sightseeing Company, Incorporated in support of motion to intervene 63 (Krauskopf, Stuart) (Entered: 08/05/2010)
08/05/2010	65	NOTICE of Motion by Stuart Philip Krauskopf for presentment of motion to intervene 63 before Honorable Robert M. Dow Jr. on 8/16/2010 at 09:30 AM. (Krauskopf, Stuart) (Entered: 08/05/2010)
08/05/2010	66	MEMORANDUM by Wendella Sightseeing Company, Incorporated <i>in Support of Wendella's Response to Plaintiffs' Motion for Preliminary Injunction</i> (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D-1, # 5 Exhibit D-2, # 6 Exhibit D-3, # 7 Exhibit D-4, # 8 Exhibit D-5, # 9 Exhibit E, # 10 Exhibit F, # 11 Exhibit G, # 12 Exhibit H, # 13 Exhibit I, # 14 Exhibit J, # 15 Exhibit K, # 16 Exhibit L, # 17 Exhibit M, # 18 Exhibit N, # 19 Exhibit O, # 20 Exhibit P-1, # 21 Exhibit P-2, # 22 Exhibit Q, # 23 Exhibit R, # 24 Exhibit S, # 25 Exhibit T-1, # 26 Exhibit T-2)(Krauskopf, Stuart) (Entered: 08/05/2010)
08/05/2010	67	AFFIDAVIT of Stuart P. Krauskopf regarding memorandum in support of motion 64 to intervene (Krauskopf, Stuart) (Entered: 08/05/2010)
08/05/2010	68	NOTICE by Wendella Sightseeing Company, Incorporated re memorandum,, 66 and Certificate of Service (Krauskopf, Stuart) (Entered: 08/05/2010)
08/05/2010	69	MOTION by Intervenor Wendella Sightseeing Company, Incorporated for leave to file excess pages (Krauskopf, Stuart) (Entered: 08/05/2010)
08/05/2010	70	NOTICE of Motion by Stuart Philip Krauskopf for presentment of motion for leave to file excess pages 69 before Honorable Robert M. Dow Jr. on 8/16/2010 at 09:30 AM. (Krauskopf, Stuart) (Entered: 08/05/2010)
08/05/2010	71	MOTION by Intervenor Wendella Sightseeing Company, Incorporated to strike <i>the Testimony of Tammy Newcomb</i> (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C)(Krauskopf, Stuart) (Entered: 08/05/2010)
08/05/2010	72	NOTICE of Motion by Stuart Philip Krauskopf for presentment of motion to strike 71 before Honorable Robert M. Dow Jr. on 8/16/2010 at 09:30 AM. (Krauskopf, Stuart) (Entered: 08/05/2010)
08/05/2010	73	ATTORNEY Appearance for Intervenor Wendella Sightseeing Company, Incorporated by Michael A. Schnitzer (Schnitzer, Michael) (Entered: 08/05/2010)
08/06/2010	74	ATTORNEY Appearance for Plaintiff State of Minnesota by Steven M. Gunn (Gunn, Steven) (Entered: 08/06/2010)
08/09/2010	75	MINUTE entry before Honorable Robert M. Dow, Jr: Before the Court are two motions by Wendella Sightseeing Company, one motion for leave to intervene or participate as amicus 63 and the other for leave to file excess pages 69 . The motions are taken under advisement. Responses are due on 8/13/10; reply is due on 8/17/10. Mailed notice (tbk,) (Entered: 08/09/2010)
08/09/2010	76	ATTORNEY Appearance for Plaintiff State of Minnesota by David Peter Iverson (Iverson, David) (Entered: 08/09/2010)
08/10/2010	77	RESPONSE by State of Michiganin Opposition to MOTION by Intervenor Coalition

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08/10/2010	78	CERTIFICATE of Service by Plaintiff State of Michigan regarding response in opposition to motion 77 (Reichel, Robert) (Entered: 08/10/2010)
08/11/2010	79	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-5107361. (Kauffman, Kurt) (Entered: 08/11/2010)
08/12/2010	80	REPLY by Coalition to Save Our Waterways to MOTION by Intervenor Coalition to Save Our Waterways to intervene 54 (Sculli, Kristin) (Entered: 08/12/2010)
08/13/2010	81	RESPONSE by State of Michigan to MOTION by Intervenor Wendella Sightseeing Company, Incorporated to intervene <i>or for Leave to Participate Amicus Curiae</i> 63 (Reichel, Robert) (Entered: 08/13/2010)
08/13/2010	82	NOTICE by State of Michigan re response to motion 81 & <i>Certificate of Service</i> (Reichel, Robert) (Entered: 08/13/2010)
08/13/2010	83	MOTION by Plaintiff State of Michigan for leave to file excess pages <i>for Reply in Supp of Mot for PI</i> (Attachments: # 1 Att 1-Proposed Reply, # 2 Affidavit Ex A-Newcomb 2nd Aff, # 3 Declaration Ex B-Someah Dec, # 4 Affidavit Ex C-Taylor 2nd Aff)(Reichel, Robert) (Entered: 08/13/2010)
08/13/2010	84	<i>Michigan's</i> NOTICE of Motion by Robert P. Reichel for presentment of motion for leave to file excess pages, 83 before Honorable Robert M. Dow Jr. on 8/19/2010 at 10:00 AM. (Reichel, Robert) (Entered: 08/13/2010)
08/13/2010	85	NOTICE by State of Michigan re notice of motion 84 <i>to file excess pages</i> (Reichel, Robert) (Entered: 08/13/2010)
08/16/2010	86	MINUTE entry before Honorable Robert M. Dow, Jr: Status hearing held. MOTION by Plaintiff State of Michigan for leave to file excess pages 83 is granted. MOTION of Kurt Kaufmann for Leave to Appear Pro Hac Vice 79 on behalf of Wendella Sightseeing Co. is granted. MOTION by Intervenor Wendella Sightseeing Company, Incorporated to strike the Testimony of Tammy Newcomb 71 is taken under advisement. MOTION by Intervenor Wendella Sightseeing Company, Incorporated for leave to file excess pages 69 is granted. MOTION by Defendant Metropolitan Water Reclamation District of Greater Chicago for extension of time 60 to file answer regarding complaint is granted. City of Chicago's oral motion for leave to file motion to file surreply in opposition to motion for preliminary injunction on or before 8/18/2010 is granted. Plaintiffs are given until 8/20/2010 to respond to the City's motion.Oral motion of Defendant Metropolitan Water Reclamation District of Greater Chicago for leave to file surreply limited to the issues stated on the record in open court on or before 8/20/2010 is granted without objection. In regard to the hearing on Plaintiffs' motion for a preliminary injunction, oral argument on the merits set for 8/23/2010 at 9:30a.m. If necessary, the hearing will be continued to August 30, 2010 at 9:00a.m. and August 31, 2010 at 10:00a.m. for testimony of witnesses as discussed on the record in open court. Mailed notice (tbk,) (Entered: 08/16/2010)
08/16/2010	87	ATTORNEY Appearance for Intervenor Wendella Sightseeing Company, Incorporated by Kurt Ausman Kauffman (Kauffman, Kurt) (Entered: 08/16/2010)
08/17/2010	88	REPLY by Plaintiff State of Michigan to motion for preliminary injunction 9 <i>Reply in Support of Mot for PI</i> (Attachments: # 1 Affidavit Ex A-Newcomb 2nd Aff, # 2 Declaration Ex B-Someah Dec, # 3 Affidavit Ex C-Taylor 2nd Aff)(Reichel, Robert) (Entered: 08/17/2010)
08/17/2010	89	CERTIFICATE of Service by Plaintiff State of Michigan regarding reply, 88 (Reichel,

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		Robert) (Entered: 08/17/2010)
08/17/2010	90	REPLY by Intervenor Wendella Sightseeing Company, Incorporated to response to motion 81 (Krauskopf, Stuart) (Entered: 08/17/2010)
08/17/2010	91	NOTICE by Wendella Sightseeing Company, Incorporated re reply 90 (Krauskopf, Stuart) (Entered: 08/17/2010)
08/18/2010	92	MOTION by Plaintiff State of Michigan Modify Hearing Schedule (Attachments: # 1 Exhibit Attachment 1, # 2 Exhibit Attachment 2, # 3 Exhibit Attachment 3)(Reichel, Robert) (Entered: 08/18/2010)
08/18/2010	93	<i>Mot to Modify Hearing Schedule</i> NOTICE of Motion by Robert P. Reichel for presentment of motion for miscellaneous relief 92 before Honorable Robert M. Dow Jr. on 8/23/2010 at 09:30 AM. (Reichel, Robert) (Entered: 08/18/2010)
08/18/2010	94	CERTIFICATE of Service by Plaintiff State of Michigan regarding MOTION by Plaintiff State of Michigan Modify Hearing Schedule 92 (Reichel, Robert) (Entered: 08/18/2010)
08/18/2010	95	MOTION by Intervenor City Of Chicago for leave to file <i>surreply</i> (Attachments: # 1 Exhibit, # 2 Certificate of Service)(McCahan, Graham) (Entered: 08/18/2010)
08/19/2010	96	RESPONSE by State of Michigan to MOTION by Intervenor City Of Chicago for leave to file <i>surreply</i> 95 (Reichel, Robert) (Entered: 08/19/2010)
08/19/2010	97	CERTIFICATE of Service by Plaintiff State of Michigan regarding response to motion 96 (Reichel, Robert) (Entered: 08/19/2010)
08/19/2010	98	RESPONSE by Metropolitan Water Reclamation District of Greater Chicago in Opposition to MOTION by Plaintiff State of Michigan Modify Hearing Schedule 92 (Feldman, Frederick) (Entered: 08/19/2010)
08/19/2010	99	NOTICE by Metropolitan Water Reclamation District of Greater Chicago re response in opposition to motion 98 and <i>Certificate of Service</i> (Feldman, Frederick) (Entered: 08/19/2010)
08/20/2010	100	MINUTE entry before Honorable Robert M. Dow, Jr:Pursuant to Memorandum Opinion and Order entered this day, all motions to intervene [34, 54, 63] is granted. The City of Chicago, the Coalition, and Wendella are given leave to intervene as defendants in this action. Oral argument hearing date of 8/23/2010 at 9:30 am to stand.Mailed notice (jms,) (Entered: 08/20/2010)
08/20/2010	101	MEMORANDUM Opinion and Order Signed by the Honorable Robert M. Dow, Jr on 8/20/2010:Mailed notice(jms,) (Entered: 08/20/2010)
08/20/2010	102	RESPONSE by United States Army Corps Of Engineers to MOTION by Plaintiff State of Michigan Modify Hearing Schedule 92 (Attachments: # 1 Certificate of Service)(Rudolph, Maureen) (Entered: 08/20/2010)
08/20/2010	103	MOTION by Intervenor Coalition to Save Our Waterways for leave to file excess pages (Sculli, Kristin) (Entered: 08/20/2010)
08/20/2010	104	NOTICE of Motion by Kristin Henrichs Sculli for presentment of motion for leave to file excess pages 103 before Honorable Robert M. Dow Jr. on 8/25/2010 at 09:15 AM. (Sculli, Kristin) (Entered: 08/20/2010)
08/20/2010	105	RESPONSE by Coalition to Save Our Waterways in Opposition to MOTION by Plaintiff State of Michigan for preliminary injunction 9 (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5, # 6 Exhibit 6, # 7 Exhibit 7-1, #

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 8 Exhibit 7, # 9 Exhibit 8, # 10 Exhibit 9, # 11 Exhibit 10 (Sculli, Kristin) (Entered: 08/20/2010)

08/20/2010	106	Notice of Supplemental Authority by United States Army Corps Of Engineers (Attachments: # 1 Exhibit, # 2 Certificate of Service)(Rudolph, Maureen) (Entered: 08/20/2010)
08/20/2010	107	MOTION by Intervenor Coalition to Save Our Waterways in limine <i>to strike the affidavit and exclude the testimony of Plaintiffs' expert Dr. Lodge</i> (Sculli, Kristin) (Entered: 08/20/2010)
08/20/2010	108	MEMORANDUM by Coalition to Save Our Waterways in support of motion in limine 107 (Sculli, Kristin) (Entered: 08/20/2010)
08/20/2010	109	NOTICE of Motion by Kristin Henrichs Sculli for presentment of motion in limine 107 before Honorable Robert M. Dow Jr. on 8/25/2010 at 09:15 AM. (Sculli, Kristin) (Entered: 08/20/2010)
08/20/2010	110	SUR-REPLY by Defendant Metropolitan Water Reclamation District of Greater Chicago to reply, 88 in Support of Preliminary Injunction (Attachments: # 1 Exhibit Exhibit 1, Group Exhibit A)(Feldman, Frederick) (Entered: 08/20/2010)
08/20/2010	111	NOTICE by Metropolitan Water Reclamation District of Greater Chicago re sur-reply 110 and Certificate of Service (Feldman, Frederick) (Entered: 08/20/2010)
08/23/2010	112	MINUTE entry before Honorable Robert M. Dow, Jr: Oral argument on the merits held; motion for preliminary injunction 9 remains under advisement. Mailed notice (tbk,) (Entered: 08/23/2010)
08/23/2010	113	MINUTE entry before Honorable Robert M. Dow, Jr: MOTION by Intervenor Coalition to Save Our Waterways in limine 107 to strike the affidavit and exclude the testimony of Plaintiffs' expert Dr. Lodge is taken under advisement; response to that motion and to the Motion by Intervenor Wendella to strike the testimony of Tammy Newcomb 71 are due by 8/27/2010; replies due by 8/31/2010. Notice of Motion date of 8/25/2010 is stricken and no appearances are necessary on that date. MOTION by Plaintiff State of Michigan to Modify Hearing Schedule 92 is granted. Preliminary Injunction hearing dates of August 30 and August 31, 2010 are stricken and hearing reset to September 7, 2010 at 10:30a.m., September 8, 2010 at 10:00a.m. and September 10, 2010 at 9:00a.m. MOTION by Intervenor City of Chicago for leave to file surreply 95 is granted. MOTION by Intervenor Coalition to Save Our Waterways to file excess pages 103 is granted. Notice of motion date of 8/25/2010 is stricken and no appearances are necessary on that date. Mailed notice (tbk,) (Entered: 08/23/2010)
08/26/2010	114	Attorney Appearance by United States Army Corps Of Engineers (Navaro, Ann) (Entered: 08/26/2010)
08/26/2010	115	RESPONSE by State of Michigan to MOTION by Intervenor Coalition to Save Our Waterways in limine <i>to strike the affidavit and exclude the testimony of Plaintiffs' expert Dr. Lodge</i> 107 (Attachments: # 1 Exhibit Ex A-Audit Report)(Reichel, Robert) (Entered: 08/26/2010)
08/26/2010	116	RESPONSE by State of Michigan to MOTION by Intervenor Wendella Sightseeing Company, Incorporated to strike <i>the Testimony of Tammy Newcomb</i> 71 (Attachments: # 1 Exhibit Ex A-Audit Report)(Reichel, Robert) (Entered: 08/26/2010)
08/26/2010	117	CERTIFICATE of Service by Plaintiff State of Michigan regarding response to motion, 115 , response to motion 116 (Reichel, Robert) (Entered: 08/26/2010)
08/27/2010	118	MINUTE entry before Honorable Robert M. Dow, Jr: Preliminary Injunction hearing

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08/27/2010	119	ATTORNEY Appearance for Defendant United States Army Corps Of Engineers by Ann Danson Navaro (Navaro, Ann) (Entered: 08/27/2010)
08/30/2010	120	MINUTE entry before Honorable Robert M. Dow, Jr: Preliminary Injunction hearing set for 9/7/2010 at 10:30 AM. Mailed notice (tbk,) (Entered: 08/30/2010)
08/31/2010	121	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-5170700. (Rastetter, William) (Entered: 08/31/2010)
08/31/2010	122	MOTION by Intervenor Plaintiff Grand Traverse Band of Ottawa and Chippewa Indians to intervene (Attachments: # 1 Exhibit Index of Exhibits, # 2 Exhibit Exhibit 1, # 3 Exhibit Exhibit 2, # 4 Exhibit Exhibit 3, # 5 Exhibit Exhibit 4, # 6 Exhibit Exhibit 5, # 7 Supplement Brief in Support of Motion)(Rastetter, William) (Entered: 08/31/2010)
08/31/2010	123	NOTICE of Motion by William Rastetter for presentment of motion to intervene, 122 before Honorable Robert M. Dow Jr. on 9/7/2010 at 09:30 AM. (Rastetter, William) (Entered: 08/31/2010)
08/31/2010	124	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-5171813. (Fletcher, Matthew) (Entered: 08/31/2010)
08/31/2010	125	NOTICE by Grand Traverse Band of Ottawa and Chippewa Indians re notice of motion 123 , MOTION by Intervenor Plaintiff Grand Traverse Band of Ottawa and Chippewa Indians to intervene 122 (Rastetter, William) (Entered: 08/31/2010)
08/31/2010	126	SUR-REPLY by Intervenor City Of Chicago to reply, 88 by <i>Plaintiffs in Support of Preliminary Injunction</i> (Attachments: # 1 Certificate of Service)(McCahan, Graham) (Entered: 08/31/2010)
08/31/2010	127	REPLY by Intervenor Coalition to Save Our Waterways to motion in limine 107 to strike the affidavit and exclude the testimony of Plaintiffs' expert Dr. Lodge (Sculli, Kristin) (Entered: 08/31/2010)
08/31/2010	128	REPLY by Wendella Sightseeing Company, Incorporated to response to motion 116 to Strike Affidavit of Tammy Newcomb (Krauskopf, Stuart) (Entered: 08/31/2010)
08/31/2010	129	NOTICE by Wendella Sightseeing Company, Incorporated re reply to response to motion 128 to Strike Affidavit of Tammy Newcomb (Krauskopf, Stuart) (Entered: 08/31/2010)
09/02/2010	130	MOTION by Intervenor Wendella Sightseeing Company, Incorporated Request Use of the Court's Video Conference Equipment for the Purpose of Conducting Witness Examination Using International Facilities During the Preliminary Injunction Hearing (Krauskopf, Stuart) (Entered: 09/02/2010)
09/02/2010	131	NOTICE of Motion by Stuart Philip Krauskopf for presentment of motion for miscellaneous relief, 130 before Honorable Robert M. Dow Jr. on 9/7/2010 at 10:30 AM. (Krauskopf, Stuart) (Entered: 09/02/2010)
09/03/2010	132	MOTION by Plaintiff State of Michigan for leave to file <i>Second Declaration of Kaveh Someah in Support of Plaintiffs' Motion for Preliminary Injunction</i> (Attachments: # 1 Declaration)(Reichel, Robert) (Entered: 09/03/2010)
09/03/2010	133	NOTICE of Motion by Robert P. Reichel for presentment of motion for leave to file 132 before Honorable Robert M. Dow Jr. on 9/10/2010 at 10:00 AM. (Reichel, Robert) (Entered: 09/03/2010)



09/03/2010	134	CERTIFICATE of Service by Plaintiff State of Michigan regarding MOTION by Plaintiff State of Michigan for leave to file <i>Second Declaration of Kaveh Someah in Support of Plaintiffs' Motion for Preliminary Injunction</i> 132 , notice of motion 133 (Reichel, Robert) (Entered: 09/03/2010)
09/07/2010	135	MINUTE entry before Honorable Robert M. Dow, Jr: MOTION by Intervenor Plaintiff Grand Traverse Band of Ottawa and Chippewa Indians to intervene 122 ,taken under advisement. MOTION by Intervenor Wendella Sightseeing Company, Incorporated Request Use of the Court's Video Conference Equipment for the Purpose of Conducting Witness Examination Using International Facilities During the Preliminary Injunction Hearing 130 is granted. Mailed notice (tbk,) (Entered: 09/07/2010)
09/07/2010	136	MINUTE entry before Honorable Robert M. Dow, Jr: Preliminary Injunction hearing held on 9/7/2010. Preliminary Injunction continued to 9/8/2010 at 09:45 AM. Mailed notice (tbk,) (Entered: 09/08/2010)
09/08/2010	137	MINUTE entry before Honorable Robert M. Dow, Jr: Preliminary Injunction hearing held on 9/8/2010. Preliminary Injunction hearing continued to 9/10/2010 at 08:30 AM. Mailed notice (tbk,) (Entered: 09/09/2010)
09/10/2010	138	MINUTE entry before Honorable Robert M. Dow, Jr: MOTION by Plaintiff State of Michigan for leave to file Second Declaration of Kaveh Someah in Support of Plaintiffs' Motion for Preliminary Injunction 132 is granted. Preliminary Injunction hearing held. Preliminary Injunction hearing ends. Post-trial hearing briefs, of no more than 15 pages, to be filed by 10/1/2010. Oral argument to be determined in consultation with counsel. Mailed notice (tbk,) (Entered: 09/10/2010)
09/22/2010	139	MINUTE entry before Honorable Robert M. Dow, Jr: Oral argument set for 10/18/2010 at 10:00a.m. Mailed notice (tbk,) (Entered: 09/22/2010)
09/29/2010	140	AFFIDAVIT of Dr. Sandra Cooke (Krauskopf, Stuart) (Entered: 09/29/2010)
10/01/2010	141	Post-Preliminary Injunction Hearing Brief by United States Army Corps Of Engineers (Attachments: # 1 Certificate of Service)(Rudolph, Maureen) (Entered: 10/01/2010)
10/01/2010	142	Post Hearing Brief by Coalition to Save Our Waterways (Rieser, David) (Entered: 10/01/2010)
10/01/2010	143	MEMORANDUM by State of Michigan in support of motion for preliminary injunction 9 <i>Post-Hearing Memorandum in Support</i> (Reichel, Robert) (Entered: 10/01/2010)
10/01/2010	144	CERTIFICATE of Service by Plaintiff State of Michigan regarding memorandum in support of motion 143 <i>Post-Hearing Memorandum in Support</i> (Reichel, Robert) (Entered: 10/01/2010)
10/01/2010	145	Post Hearing Brief in Opposition to Plaintiffs Motion for Preliminary Injunction by Metropolitan Water Reclamation District of Greater Chicago (Feldman, Frederick) (Entered: 10/01/2010)
10/01/2010	146	NOTICE by Metropolitan Water Reclamation District of Greater Chicago re other 145 <i>and Certificate of Service</i> (Feldman, Frederick) (Entered: 10/01/2010)
10/01/2010	147	Proposed Findings of Fact & Conclusions of Law by City Of Chicago (Attachments: # 1 Certificate of Service)(McCahan, Graham) (Entered: 10/01/2010)
10/01/2010	148	TRIAL Brief <i>Post Hearing Memorandum</i> by Wendella Sightseeing Company, Incorporated (Krauskopf, Stuart) (Entered: 10/01/2010)

10/01/2010	149	NOTICE by Wendella Sightseeing Company, incorporated re trial brief 148 Post Hearing Memorandum (Krauskopf, Stuart) (Entered: 10/01/2010)
10/18/2010	150	MINUTE entry before Honorable Robert M. Dow, Jr: Oral argument on motion for preliminary injunction held on 10/18/2010. Mailed notice (tbk,) (Entered: 10/18/2010)
12/01/2010	151	ATTORNEY Appearance for Defendant Metropolitan Water Reclamation District of Greater Chicago by Alan J. Cook (Cook, Alan) (Entered: 12/01/2010)
12/01/2010	152	Update by Metropolitan Water Reclamation District of Greater Chicago <i>on Status of the Sluice Gates and Diversions for navigation at Chicago River Controlling Works</i> (Cook, Alan) (Entered: 12/01/2010)
12/01/2010	153	NOTICE by Metropolitan Water Reclamation District of Greater Chicago re other 152 <i>Notice of Filing and Certificate of Service</i> (Cook, Alan) (Entered: 12/01/2010)
12/02/2010	154	MINUTE entry before Honorable Robert M. Dow, Jr: Pursuant to Memorandum Opinion and Order, dated 12/2/2010, the Court denies Plaintiffs motion for a preliminary injunction 9 . The Court also denies without prejudice Intervenor Wendella Sightseeing Companys motion to strike the testimony of Dr. Newcomb 71 and Intervenor Coalition to Save Our Waterways motion in limine to strike the testimony of Dr. Lodge 107 . Status hearing set for 1/7/2011 at 09:00 AM. Mailed notice (tbk,) (Entered: 12/02/2010)
12/02/2010	155	MEMORANDUM Opinion and Order Signed by the Honorable Robert M. Dow, Jr on 12/2/2010. Mailed notice(tbk,) (Entered: 12/02/2010)
12/02/2010	156	MINUTE entry before Honorable Robert M. Dow, Jr: As stated in the memorandum opinion and order entered separately today, the motion of Intervenor Plaintiff Grand Traverse Band of Ottawa and Chippewa Indians to intervene 122 is granted. Mailed notice (jmp,) (Entered: 12/03/2010)
12/03/2010	157	MINUTE entry before Honorable Robert M. Dow, Jr: MOTION of William Rastetter for leave to appear pro hac vice 121 on behalf of Intervening Plaintiff Grand Traverse Band of Ottawa and Chippewa Indians is granted. MOTION of Matthew L. M. Fletcher for leave to appear pro hac vice 124 on behalf of Intervening Plaintiff Grand Traverse Band of Ottawa and Chippewa Indians is granted. Attorney Matthew L. M. Fletcher for Grand Traverse Band of Ottawa and Chippewa Indians added. Mailed notice (jmp,) (Entered: 12/06/2010)
12/10/2010	158	MINUTE entry before Honorable Robert M. Dow, Jr: The Parties to file a joint status report on or before 1/5/2011. Mailed notice (tbk,) (Entered: 12/10/2010)
12/15/2010	159	MINUTE entry before Honorable Robert M. Dow, Jr: Motion for extension of time 34 is stricken as moot. Mailed notice (tbk,) (Entered: 12/15/2010)
12/16/2010	160	NOTICE of appeal by State of Michigan regarding orders 155 Filing fee \$ 455, receipt number 0752-5528747. (Reichel, Robert) (Entered: 12/16/2010)
12/16/2010	161	DOCKETING Statement by State of Michigan regarding notice of appeal 160 (Attachments: # 1 Certificate of Service)(Reichel, Robert) (Entered: 12/16/2010)
12/17/2010	162	NOTICE of Appeal Due letter sent to counsel of record (dj,) (Entered: 12/17/2010)
12/17/2010	163	TRANSMITTED to the 7th Circuit the short record on notice of appeal 160 . Notified counsel (dj,) (Entered: 12/17/2010)
12/17/2010	 164	TRANSCRIPT OF PROCEEDINGS held on 10-18-10 before the Honorable Robert M. Dow, Jr. Court Reporter Contact Information: Lois A. LaCorte,

IMPORTANT: The transcript may be viewed at the court's public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter/Transcriber or PACER. For further information on the redaction process, see the Court's web site at www.ilnd.uscourts.gov under Quick Links select Policy Regarding the Availability of Transcripts of Court Proceedings.

Redaction Request due 1/7/2011. Redacted Transcript Deadline set for 1/18/2011. Release of Transcript Restriction set for 3/17/2011. (Lacorte, Lois) (Entered: 12/17/2010)

12/17/2010	165	NOTICE of case opening. (jmp,) (Entered: 12/20/2010)
12/17/2010	166	ACKNOWLEDGMENT of receipt of short record on appeal regarding notice of appeal 160 ; USCA Case No. 10-3891. (jmp,) (Entered: 12/20/2010)
12/22/2010	167	ATTORNEY Appearance for Intervenor Coalition to Save Our Waterways by Kathleen Mary Cunniff (Cunniff, Kathleen) (Entered: 12/22/2010)
12/27/2010	 168	TRANSCRIPT OF PROCEEDINGS held on 8-23-10 before the Honorable Robert M. Dow, Jr. Court Reporter Contact Information: Lois A. LaCorte, lois_lacorte@ilnd.uscourts.gov, (312) 435-5558. <P>IMPORTANT: The transcript may be viewed at the court's public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter/Transcriber or PACER. For further information on the redaction process, see the Court's web site at www.ilnd.uscourts.gov under Quick Links select Policy Regarding the Availability of Transcripts of Court Proceedings.</P> Redaction Request due 1/18/2011. Redacted Transcript Deadline set for 1/27/2011. Release of Transcript Restriction set for 3/28/2011. (Lacorte, Lois) (Entered: 12/27/2010)
12/27/2010	 169	TRANSCRIPT OF PROCEEDINGS held on 9-7-10 before the Honorable Robert M. Dow, Jr. Court Reporter Contact Information: Lois A. LaCorte, lois_lacorte@ilnd.uscourts.gov, (312) 435-5558. <P>IMPORTANT: The transcript may be viewed at the court's public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter/Transcriber or PACER. For further information on the redaction process, see the Court's web site at www.ilnd.uscourts.gov under Quick Links select Policy Regarding the Availability of Transcripts of Court Proceedings.</P> Redaction Request due 1/18/2011. Redacted Transcript Deadline set for 1/27/2011. Release of Transcript Restriction set for 3/28/2011. (Lacorte, Lois) (Entered: 12/27/2010)
12/27/2010	 170	TRANSCRIPT OF PROCEEDINGS held on 9-8-10 before the Honorable Robert M. Dow, Jr. Volume 2A. Court Reporter Contact Information: Lois A. LaCorte, lois_lacorte@ilnd.uscourts.gov, (312) 435-5558. <P>IMPORTANT: The transcript may be viewed at the court's public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter/Transcriber or PACER. For further information on the redaction process, see the Court's web site at www.ilnd.uscourts.gov under Quick Links select Policy Regarding the Availability of Transcripts of Court Proceedings.</P> Redaction Request due 1/18/2011. Redacted Transcript Deadline set for 1/27/2011. Release of Transcript Restriction set for 3/28/2011. (Lacorte, Lois) (Entered: 12/27/2010)

12/28/2010	171	SEVENTH CIRCUIT transcript information sheet by State of Michigan (Reichel, Robert) (Entered: 12/28/2010)
12/28/2010	172	SEVENTH CIRCUIT transcript information sheet by State of Michigan (Reichel, Robert) (Entered: 12/28/2010)
01/03/2011	 173	<p>TRANSCRIPT OF PROCEEDINGS held on 09/08/10 PM before the Honorable Robert M. Dow, Jr. Volume 2B, Preliminary Injunction, Pages 308-449. Court Reporter Contact Information: Colleen Conway @ 312.435.5594 or colleen_conway@ilnd.uscourts.gov.</p> <p>IMPORTANT: The transcript may be viewed at the court's public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter/Transcriber or PACER. For further information on the redaction process, see the Court's web site at www.ilnd.uscourts.gov under Quick Links select Policy Regarding the Availability of Transcripts of Court Proceedings.</p> <p>Redaction Request due 1/24/2011. Redacted Transcript Deadline set for 2/3/2011. Release of Transcript Restriction set for 4/4/2011. (Conway, Colleen) (Entered: 01/03/2011)</p>
01/03/2011	 174	<p>TRANSCRIPT OF PROCEEDINGS held on 09/10/10 before the Honorable Robert M. Dow, Jr. Volume 3, Preliminary Injunction, Pages 450-657. Court Reporter Contact Information: Colleen Conway @ 312.435.5594 or colleen_conway@ilnd.uscourts.gov.</p> <p>IMPORTANT: The transcript may be viewed at the court's public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter/Transcriber or PACER. For further information on the redaction process, see the Court's web site at www.ilnd.uscourts.gov under Quick Links select Policy Regarding the Availability of Transcripts of Court Proceedings.</p> <p>Redaction Request due 1/24/2011. Redacted Transcript Deadline set for 2/3/2011. Release of Transcript Restriction set for 4/4/2011. (Conway, Colleen) (Entered: 01/03/2011)</p>
01/03/2011	175	SEVENTH CIRCUIT transcript information sheet by State of Michigan. (jmp,) (Entered: 01/04/2011)
01/05/2011	176	STATUS Report (<i>Initial Joint Status Report</i>) by State of Michigan (Attachments: # 1 List of Attorneys)(Reichel, Robert) (Entered: 01/05/2011)
01/06/2011	177	TRANSMITTED to the USCA for the 7th Circuit the long record on appeal 160 (USCA no. 10-3891) (dj,) (Entered: 01/06/2011)
01/06/2011	179	ACKNOWLEDGMENT BY USCA RECEIVING the long record on 1/6/2011. (jmp,) (Entered: 01/11/2011)
01/07/2011	178	MINUTE entry before Honorable Robert M. Dow, Jr: Status hearing held on 1/7/2011. Defendants are given to and including 1/21/2011 to file a motion to stay pending appeal; Plaintiffs are given until 2/4/2011 to respond; Defendants' reply due by 2/11/2011. Mailed notice (tbk,) (Entered: 01/07/2011)
01/18/2011	180	MOTION by Plaintiff State of Michigan to supplement <i>the record on appeal</i> (Attachments: # 1 Exhibit Def Coalitions Exs 1-2 & proposed 3, # 2 Exhibit Def USACE's Exs 1-7, # 3 Exhibit Def MWRDGC's Exs 1-2, # 4 Exhibit Pl's Exs 1-2 A, # 5 Exhibit Pl's Exs 1-2 B1, # 6 Exhibit Pl's Exs 1-2 B2, # 7 Exhibit Pl's Exs 1-2

01/18/2011	181	NOTICE of Motion by Robert P. Reichel for presentment of motion to supplement, 180 before Honorable Robert M. Dow Jr. on 1/28/2011 at 10:00 AM. (Reichel, Robert) (Entered: 01/18/2011)
01/18/2011	182	CERTIFICATE of Service by Plaintiff State of Michigan regarding MOTION by Plaintiff State of Michigan to supplement <i>the record on appeal</i> 180 , notice of motion 181 (Reichel, Robert) (Entered: 01/18/2011)
01/21/2011	183	MOTION by Intervenor Parties City Of Chicago, Coalition to Save Our Waterways, Wendella Sightseeing Company, Incorporated, Defendants Metropolitan Water Reclamation District of Greater Chicago, United States Army Corps Of Engineers to stay (Rudolph, Maureen) (Entered: 01/21/2011)
01/25/2011	184	MINUTE entry before Honorable Robert M. Dow, Jr: MOTION by Plaintiff State of Michigan to supplement 180 the record on appeal with Defendant Coalition to Save Our Waterways' Exhibits 1 and 2 and Proposed Exhibit 3, Defendant United States Army Corps of Engineers' Exhibits 1-7, Defendant Metropolitan Water Reclamation District of Greater Chicago's Exhibits 1 and 2, and Plaintiffs' Exhibits 1 and 2 (attached to motion 180) is granted. Notice of Motion date of 1/28/2011 is stricken and no appearances are necessary on that date. Mailed notice (tbk,) (Entered: 01/25/2011)
01/27/2011	185	TRANSMITTED to the USCA for the 7th Circuit supplemental record on appeal 160 (USCA no. 10-3891) consisting of 1 volume of pleadings (doc# 180 and 184). (dj,) (Entered: 01/27/2011)
01/27/2011	188	USCA RECEIVED on 1/27/2011 one (1) volume of pleadings, appeal documents record. (jmp,) (Entered: 01/31/2011)
01/28/2011	186	MOTION by counsel for Intervenor Coalition to Save Our Waterways to withdraw as attorney <i>Kristin H. Sculli</i> (Cunniff, Kathleen) (Entered: 01/28/2011)
01/28/2011	187	NOTICE of Motion by Kathleen Mary Cunniff for presentment of motion to withdraw as attorney 186 before Honorable Robert M. Dow Jr. on 2/2/2011 at 09:15 AM. (Cunniff, Kathleen) (Entered: 01/28/2011)
01/31/2011	189	MINUTE entry before Honorable Robert M. Dow, Jr: MOTION by Kristin H. Sculli, counsel for Intervenor Coalition to Save Our Waterways, to withdraw 186 her appearance, is granted. Notice of Motion date of 2/2/2011 is stricken and no appearances are necessary on that date. Attorney Kristin Henrichs Sculli terminated. Mailed notice (jmp,) (Entered: 01/31/2011)
02/04/2011	190	RESPONSE by State of Michigan in Opposition to MOTION by Intervenor Parties City Of Chicago, Coalition to Save Our Waterways, Wendella Sightseeing Company, Incorporated, Defendants Metropolitan Water Reclamation District of Greater Chicago, United States Army Corps Of Engineers to stay 183 (Attachments: # 1 Exhibit legal authority)(Reichel, Robert) (Entered: 02/04/2011)
02/04/2011	191	CERTIFICATE of Service by Plaintiff State of Michigan regarding response in opposition to motion, 190 (Reichel, Robert) (Entered: 02/04/2011)
02/11/2011	192	REPLY by City Of Chicago, Coalition to Save Our Waterways, Metropolitan Water Reclamation District of Greater Chicago, United States Army Corps Of Engineers, Wendella Sightseeing Company, Incorporated to MOTION by Intervenor Parties City Of Chicago, Coalition to Save Our Waterways, Wendella Sightseeing Company, Incorporated, Defendants Metropolitan Water Reclamation District of Greater Chicago,

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 United States Army Corps Of Engineers to stay [183](#) response in opposition to motion, [190](#) (Rudolph, Maureen) (Entered: 02/11/2011)

03/31/2011	193	WRITTEN Opinion entered by the Honorable Robert M. Dow, Jr on 3/31/2011: This matter is before the Court on Defendants motion to stay 183 all district court proceedings during the pendency of Plaintiffs appeal of the Courts December 2, 2010 Order 155 denying the requested preliminary injunction. For the reasons set forth below, Defendants motion 183 is denied in part and granted in part. Any party may move to lift the partial stay at any time for good cause. The Court will set a status date in a future minute order. Notices Mailed by Judge's Staff (tbk,) (Entered: 03/31/2011)
05/05/2011	194	ATTORNEY Appearance for Plaintiff State of Ohio by Dale T Vitale. (jmp,) (Entered: 05/09/2011)
05/05/2011	195	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-4057864. (jmp,) (Entered: 05/11/2011)
05/12/2011	196	MINUTE entry before Honorable Robert M. Dow, Jr: MOTION of Dale T. Vitale for leave to appear pro hac vice on behalf of The State of Ohio 195 is granted; Attorney Dale T. Vitale added. Mailed notice (jmp,) (Entered: 05/13/2011)
09/20/2011	197	MINUTE entry before Honorable Robert M. Dow, Jr: Status hearing set for 10/6/2011 at 10:00 AM. Notices Mailed by Judge's Staff (tbk,) (Entered: 09/20/2011)
09/23/2011	198	MANDATE of USCA dated 9/23/2011 regarding notice of appeal 160 ; USCA No. 10-3891. Herewith is the mandate of this court in this appeal, along with the Bill of Costs, if any. A certified copy of the opinion/order of the court and judgment, if any, and any direction as to costs shall constitute the mandate. Amount of Bill of Costs \$1459.00. (jmp,) (Entered: 09/26/2011)
09/23/2011	199	CERTIFIED copy of Final Judgment Order dated 9/23/2011 from the 7th Circuit regarding notice of appeal 160 ; Appellate case no. : 10-3891. The judgment of the District Court is AFFIRMED, with costs, in accordance with the decision of this court entered on this date. (jmp,) (Entered: 09/26/2011)
09/23/2011	200	OPINION from the USCA for the 7th Circuit Court of Appeals; Argued 05/05/2011; Decided 8/24/2011 in USCA case no. 10-3891. (jmp,) (Entered: 09/26/2011)
09/28/2011	201	MOTION by counsel for Intervenor Plaintiff Grand Traverse Band of Ottawa and Chippewa Indians to withdraw as attorney <i>Co-Counsel/Fletcher</i> (Rastetter, William) (Entered: 09/28/2011)
09/28/2011	202	NOTICE of Motion by William Rastetter for presentment of motion to withdraw as attorney 201 before Honorable Robert M. Dow Jr. on 10/6/2011 at 10:00 AM. (Rastetter, William) (Entered: 09/28/2011)
09/28/2011	203	NOTICE by Grand Traverse Band of Ottawa and Chippewa Indians re notice of motion 202 , MOTION by counsel for Intervenor Plaintiff Grand Traverse Band of Ottawa and Chippewa Indians to withdraw as attorney <i>Co-Counsel/Fletcher</i> 201 (Rastetter, William) (Entered: 09/28/2011)
10/04/2011	204	STATUS Report <i>2nd Joint Status Report</i> by State of Michigan (Attachments: # 1 List of Attorneys, # 2 Certificate of Service Certificate of Service)(Reichel, Robert) (Entered: 10/04/2011)
10/06/2011	205	MINUTE entry before Honorable Robert M. Dow, Jr: Status hearing held on 10/6/2011. MOTION of Matthew L. M. Fletcher, counsel for Intervenor Plaintiff Grand Traverse Band of Ottawa and Chippewa Indians to withdraw his appearance as co-counsel 201 is granted. Oral motion of defendant City of Chicago for leave to file a

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supplemental declaration by 10/20/2011 is granted. As discussed on the record, Rule 12 motions are to be filed by 11/21/2011; responses due by 1/12/2012; replies due by 1/27/2012. The Court will set the case for further status after reviewing the parties' written filings. As discussed on the record, the Court is willing to allow expanded briefing beyond the 15 double-spaced pages permitted under the Local Rules; the parties are encouraged to confer on appropriate page limits and to submit an agreed motion for leave to file oversized briefs in due course. Attorney Matthew L.m. Fletcher terminated. Mailed notice (jmp,) (Entered: 10/07/2011)

10/20/2011	206	DECLARATION of Michael W. Fox regarding order on motion to withdraw as attorney, status hearing, add and terminate attorneys,,,,,,,,, 205 (Attachments: # 1 Certificate of Service)(McCahan, Graham) (Entered: 10/20/2011)
11/17/2011	207	UNOPPOSED MOTION by Defendant United States Army Corps Of Engineers for extension of time to file response to Complaint(Attachments: # 1 Exhibit Plaintiffs' Petition for a Writ of Certiorari)(Marinelli, Matthew) (Docket Text modified by Clerks' Office.) (Entered: 11/17/2011)
11/17/2011	208	NOTICE of Motion by Matthew Michael Marinelli for presentment of extension of time 207 before Honorable Robert M. Dow Jr. on 11/21/2011 at 10:00 AM. (Marinelli, Matthew) (Entered: 11/17/2011)
11/18/2011	209	<i>Corrected</i> NOTICE of Motion by Matthew Michael Marinelli for presentment of extension of time, 207 before Honorable Robert M. Dow Jr. on 11/29/2011 at 09:15 AM. (Marinelli, Matthew) (Entered: 11/18/2011)
11/22/2011	210	MINUTE entry before Honorable Robert M. Dow, Jr: Unopposed Motion for extension of time 207 to file response to complaint is granted as follows: a. Extend the deadline for all Defendants responsive pleading to December 30, 2011, b. Extend the deadline for Plaintiffs response to February 14, 2011, c. Extend the deadline for Defendants reply to February 29, 2011. Notice of Motion date of 11/29/2011 is stricken and no appearances are necessary on that date. Mailed notice (tbk,) (Entered: 11/22/2011)
12/07/2011	211	INTERVENOR complaint filed by Grand Traverse Band of Ottawa and Chippewa Indians against All Defendants (Attachments: # 1 Certificate of Service)(Rastetter, William) (Entered: 12/07/2011)
12/23/2011	212	MOTION by Defendant United States Army Corps Of Engineers for extension of time <i>to respond to Complaints</i> (Marinelli, Matthew) (Entered: 12/23/2011)
12/23/2011	213	NOTICE of Motion by Matthew Michael Marinelli for presentment of extension of time 212 before Honorable Robert M. Dow Jr. on 1/4/2012 at 09:15 AM. (Marinelli, Matthew) (Entered: 12/23/2011)
12/29/2011	214	RESPONSE by State of Michigan in Opposition to MOTION by Defendant United States Army Corps Of Engineers for extension of time <i>to respond to Complaints</i> 212 (Attachments: # 1 Certificate of Service)(Reichel, Robert) (Entered: 12/29/2011)
01/03/2012	215	MINUTE entry before Honorable Robert M. Dow, Jr: Before the Court are (1) the motion for extension of time to file response to complaint filed by Defendant US Army Corps of Engineers (USACOE) 212 and (2) Plaintiffs' response in opposition to Defendant USACOE's motion 214 . For the reasons stated below, the motion 212 is granted. The time for filing a response to Plaintiffs' complaint is extended to 1/30/2012 for all Defendants; Plaintiffs' response is due on 3/15/2012; Defendants' reply is due on 3/29/2012. No further extensions will be allowed absent extraordinary circumstances. Notice of motion date of 1/4/2012 is stricken and no appearances are necessary on that date. Mailed notice (tbk,) (Entered: 01/03/2012)

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01/30/2012		UNOPPOSED MOTION by Defendant United States Army Corps Of Engineers for enlargement of Page Limits (Marinelli, Matthew) (Docket Text modified by Clerks' Office.) (Entered: 01/30/2012)		
01/30/2012	217	NOTICE by United States Army Corps Of Engineers re MOTION by Defendant United States Army Corps Of Engineers for leave to file excess pages 216 (Marinelli, Matthew) (Entered: 01/30/2012)		
01/30/2012	218	MOTION by Defendant United States Army Corps Of Engineers to dismiss (Rudolph, Maureen) (Entered: 01/30/2012)		
01/30/2012	219	MOTION by Intervenor City Of Chicago to dismiss <i>Plaintiffs' Complaints</i> (Attachments: # 1 Certificate of Service)(McCahan, Graham) (Entered: 01/30/2012)		
01/30/2012	220	MOTION by Intervenor Coalition to Save Our Waterways to dismiss <i>Plaintiffs Amended Complaint</i> (Attachments: # 1 Notice of Filing)(Rieser, David) (Docket Text modified by Clerks' Office.) (Entered: 01/30/2012)		
01/30/2012	221	MOTION by Defendant Metropolitan Water Reclamation District of Greater Chicago to dismiss (Hill, Ronald) (Entered: 01/30/2012)		
01/30/2012	222	NOTICE by Metropolitan Water Reclamation District of Greater Chicago (Hill, Ronald) (Entered: 01/30/2012)		
01/30/2012	223	MOTION by Intervenor Wendella Sightseeing Company, Incorporated to dismiss <i>Plaintiffs' Complaints</i> (Krauskopf, Stuart) (Entered: 01/30/2012)		
01/30/2012	224	NOTICE by Wendella Sightseeing Company, Incorporated re MOTION by Intervenor Wendella Sightseeing Company, Incorporated to dismiss <i>Plaintiffs' Complaints</i> 223 (Krauskopf, Stuart) (Entered: 01/30/2012)		
02/03/2012	225	MINUTE entry before Honorable Robert M. Dow, Jr:Motion for leave to file excess pages 216 is granted; Motions terminated: UNOPPOSED MOTION by Defendant United States Army Corps Of Engineers for enlargement of Page Limits 216 is granted as follows: The Corps' brief in support of its motion to dismiss shall not exceed 30 pages; Plaintiffs' combined response brief not exceed 60 pages; and The Corps' reply brief not exceed 20 pages. Mailed notice (tbk,) (Entered: 02/03/2012)		
03/13/2012	226	MOTION by Plaintiff State of Michigan for extension of time to file response/reply as to motion to dismiss 218 , motion to dismiss 220 , motion to dismiss 219 , motion to dismiss 223 , motion to dismiss 221 (Attachments: # 1 Certificate of Service)(Reinwasser, Louis) (Entered: 03/13/2012)		
03/13/2012	227	NOTICE of Motion by Louis B. Reinwasser for presentment of motion for extension of time to file response/reply,, motion for relief,,,,,,,,, 226 before Honorable Robert M. Dow Jr. on 3/22/2012 at 09:30 AM. (Reinwasser, Louis) (Entered: 03/13/2012)		
03/13/2012	228	MINUTE entry before Honorable Robert M. Dow, Jr: MOTION by Plaintiff State of Michigan for extension of time 226 to file response and reply as to motion to dismiss 218 , motion to dismiss 220 , motion to dismiss 219 , motion to dismiss 223 , motion to dismiss 221 is granted. Combined response be filed on or before March 22, 2012, and that the replies of the Defendants be filed on or before April 5, 2012. Responses due by 3/22/2012 Replies due by 4/5/2012. Notice of Motion date of 3/22/2012 is stricken and no appearances are necessary on that date. Mailed notice (tbk,) (Entered: 03/13/2012)		
03/22/2012	229	RESPONSE by State of Michiganin Opposition to MOTION by Defendant United States Army Corps Of Engineers to dismiss 218 , MOTION by Intervenor Coalition to		

Case: 12-3800 Document: 1-1 Filed: 12/12/2012 Pages: 38

Save Our Waterways to dismiss *PLAINTIFFS AMENDED COMPLAINT 220*, MOTION by Intervenor City Of Chicago to dismiss *Plaintiffs' Complaints 219*, MOTION by Intervenor Wendella Sightseeing Company, Incorporated to dismiss *Plaintiffs' Complaints 223*, MOTION by Defendant Metropolitan Water Reclamation District of Greater Chicago to dismiss *221* (Attachments: # *1* Exhibit Excerpts-Corps' Brief, # *2* Certificate of Service)(Reichel, Robert) (Entered: 03/22/2012)

04/05/2012	230	REPLY by United States Army Corps Of Engineers to MOTION by Defendant United States Army Corps Of Engineers to dismiss <i>218</i> (Marinelli, Matthew) (Entered: 04/05/2012)
04/05/2012	231	REPLY by Metropolitan Water Reclamation District of Greater Chicago in Support of its Motion to Dismiss (Attachments: # <i>1</i> Notice of Filing Reply in Support of Motion to Dismiss)(Hill, Ronald) (Docket Text modified by Clerks' Office.) (Entered: 04/05/2012)
04/05/2012	232	REPLY by Intervenor Coalition to Save Our Waterways in Support of the Coalition's Motion to Dismiss (Cunniff, Kathleen) (Docket Text modified by Clerks' Office.) (Entered: 04/05/2012)
06/01/2012	233	EXECUTIVE COMMITTEE ORDER: It appearing that, pursuant to the Executive Committee Order entered on May 18, 2012, the civil cases on the attached list have been selected for reassignment to form the initial calendar of the Honorable John J. Tharp, Jr., therefore IT IS HEREBY ORDERED That the attached list of 319 cases be reassigned to the Honorable John J. Tharp, Jr. IT IS FURTHER ORDERED that this order shall become effective on Tuesday, June 5, 2012. Case reassigned to the Honorable John J. Tharp, Jr. for all further proceedings. Signed by Executive Committee on 6/1/2012. Mailed Notice (td,) (Entered: 06/06/2012)
08/03/2012	234	MOTION by counsel for Intervenor City Of Chicago to withdraw as attorney (McCahan, Graham) (Entered: 08/03/2012)
08/03/2012	235	NOTICE of Motion by Graham G. McCahan for presentment of motion to withdraw as attorney <i>234</i> before Honorable John J. Tharp Jr. on 8/8/2012 at 09:30 AM. (McCahan, Graham) (Entered: 08/03/2012)
08/03/2012	236	MINUTE entry before Honorable John J. Tharp, Jr: MOTION by Intervenor City of Chicago's counsel Graham McCahan to withdraw as attorney <i>234</i> is granted. No appearance on the motion is required.Mailed notice(air,) (Entered: 08/03/2012)
09/24/2012	237	MOTION by Defendant United States Army Corps Of Engineers to dismiss (<i>Federal Defendant's Supplemental Motion to Dismiss</i>) (Attachments: # <i>1</i> Exhibit September 26, 2011 letter from Attorneys General to Honorable J. Mica, D. Hastings, B. Boxer, N. Rahall, E. Markey, and J. Inhofe)(Marinelli, Matthew) (Entered: 09/24/2012)
09/25/2012	238	MINUTE entry before Honorable John J. Tharp, Jr: Plaintiffs response, if any, to the Corps' "supplemental motion to dismiss" <i>237</i> is due on October 9, 2012. No reply. No appearance on the motion is required. Mailed notice (air,) (Entered: 09/25/2012)
09/25/2012	239	MINUTE entry before Honorable John J. Tharp, Jr: Plaintiffs response, if any, to the Corps' "supplemental motion to dismiss" <i>237</i> is due on October 9, 2012. No reply. No appearance on the motion is required. Mailed notice (air,) (Entered: 09/25/2012)
10/09/2012	240	RESPONSE by State of Michiganin Opposition to MOTION by Defendant United States Army Corps Of Engineers to dismiss (<i>Federal Defendant's Supplemental Motion to Dismiss</i>) <i>237</i> (Attachments: # <i>1</i> Exhibit Sec 1538-Pub L No 112-141, # <i>2</i> Certificate of Service Certificate of Service)(Reichel, Robert) (Entered: 10/09/2012)

10/15/2012	241	NOTICE by David I. Rieser of Change of Address (Rieser, David) (Entered: 10/15/2012)
12/03/2012	242	MINUTE entry before Honorable John J. Tharp, Jr: For the reasons set out in the Memorandum Opinion and Order, Defendants motions to dismiss without prejudice [218, 219, 220, 221 and 223] are granted. ENTER MEMORANDUM OPINION AND ORDER (For further details see separate order)Mailed notice (air,) (Entered: 12/03/2012)
12/03/2012		(Court only) ***Motions terminated: MOTION by Intervenor Wendella Sightseeing Company, Incorporated to dismiss <i>Plaintiffs' Complaints</i> 223 , MOTION by Defendant United States Army Corps Of Engineers to dismiss (<i>Federal Defendant's Supplemental Motion to Dismiss</i>) 237 , MOTION by Defendant Metropolitan Water Reclamation District of Greater Chicago to dismiss 221 , MOTION by Defendant United States Army Corps Of Engineers to dismiss 218 , MOTION by Intervenor City Of Chicago to dismiss <i>Plaintiffs' Complaints</i> 219 (air,) (Entered: 12/03/2012)
12/03/2012	243	MEMORANDUM Opinion and Order Signed by the Honorable John J. Tharp, Jr on 12/3/2012:Mailed notice(air,) (Entered: 12/03/2012)
12/10/2012	244	Notice of Intent by State of Michigan <i>Not to Amend Complaint</i> (Attachments: # 1 Certificate of Service)(Reichel, Robert) (Entered: 12/10/2012)
12/10/2012	245	MINUTE entry before Honorable John J. Tharp, Jr: Pursuant to the terms of the Court's December 3, 2012 order dismissing the complaint without prejudice 243 and in consideration of the Plaintiffs' notice of intention not to amend the complaint 244 , the Court dismisses this case with prejudice. Case terminated. Mailed notice (air,) (Entered: 12/10/2012)
12/10/2012	246	ENTERED JUDGMENT Signed by the Honorable John J. Tharp, Jr on 12/10/2012:Mailed notice(air,) (Entered: 12/11/2012)
12/12/2012	247	PAYMENT by State of Michigan of Filing fee \$ 455, receipt number 0752-7846099. (Reichel, Robert) (Entered: 12/12/2012)
12/12/2012	248	NOTICE of appeal by State of Michigan regarding orders 246 (Reichel, Robert) (Entered: 12/12/2012)
12/12/2012	249	DOCKETING Statement by State of Michigan regarding notice of appeal 248 (Attachments: # 1 Certificate of Service)(Reichel, Robert) (Entered: 12/12/2012)
12/12/2012	250	NOTICE of Appeal Due letter sent to counsel of record. (dj) (Entered: 12/12/2012)

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Everett McKinley Dirksen United States Courthouse
Room 2722 - 219 S. Dearborn Street
Chicago, Illinois 60604



Office of the Clerk
Phone: (312) 435-5850
www.ca7.uscourts.gov

NOTICE OF CASE OPENING

December 12, 2012

No.: 12-3800	STATE OF MICHIGAN, et al., Plaintiffs - Appellants v. UNITED STATES ARMY CORPS OF ENGINEERS, et al., Defendants - Appellees and CITY OF CHICAGO, et al., Intervenors - Appellees
Originating Case Information:	
istrict Court No: 1:10-cv-04457 Northern District of Illinois, Eastern Division Court Reporter Carolyn Cox Clerk/Agency Rep Thomas G. Bruton District Judge John J. Tharp Case date filed: 12/12/2012 Case type: cv/us Fee status: Paid Date of Judgment: 12/10/2012 Date NOA filed: 12/12/2012	

The above-captioned appeal has been docketed in the United States Court of Appeals for the Seventh Circuit.

Deadlines:

<u>Appeal No.</u>	<u>Filer</u>	<u>Document</u>	<u>Due Date</u>
12-3800	Commonwealth of Pennsylvania	Transcript information sheet	12/26/2012

12-3800	Grand Traverse Band of Ottawa and Chippewa Indians	Transcript information sheet	12/26/2012
12-3800	State of Michigan	Transcript information sheet	12/26/2012
12-3800	State of Minnesota	Transcript information sheet	12/26/2012
12-3800	State of Ohio	Transcript information sheet	12/26/2012
12-3800	State of Wisconsin	Transcript information sheet	12/26/2012
12-3800	Commonwealth of Pennsylvania	Appellant's brief	01/22/2013
12-3800	Grand Traverse Band of Ottawa and Chippewa Indians	Appellant's brief	01/22/2013
12-3800	State of Michigan	Appellant's brief	01/22/2013
12-3800	State of Minnesota	Appellant's brief	01/22/2013
12-3800	State of Ohio	Appellant's brief	01/22/2013

12-3800

State of Wisconsin

Appellant's brief

01/22/2013

NOTE:This notice is issued to counsel of record, in furtherance of the revised *Circuit Rule 3(d)*, to provide necessary information regarding this appeal. Please verify this notice for accuracy. Counsel are encouraged to provide a fax and/or e-mail address to the court. If any corrections are necessary, please indicate those corrections on this notice and return it to the Clerk's Office within ten (10) days.

THIS NOTICE SHALL NOT ACT AS A SUBSTITUTE FOR MOTIONS FOR NON-INVOLVEMENT / SUBSTITUTION OF COUNSEL. COUNSEL ARE STILL REQUIRED TO FILE THE APPROPRIATE MOTIONS.
Important Scheduling Notice!

Notices of hearing for particular appeals are mailed shortly before the date of oral argument. Criminal appeals are scheduled shortly after the filing of the appellant's main brief; civil appeals after the filing of the appellee's brief. If you foresee that you will be unavailable during a period in which your particular appeal might be scheduled, please write the clerk advising him of the time period and the reason for such unavailability. Session data is located at <http://www.ca7.uscourts.gov/cal/calendar.pdf>. Once an appeal is formally scheduled for a certain date, it is very difficult to have the setting changed. See Circuit Rule 34(e).

form name: c7_Docket_Notice(form ID: 108)

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Everett McKinley Dirksen United States Courthouse
Room 2722 - 219 S. Dearborn Street
Chicago, Illinois 60604



Office of the Clerk
Phone: (312) 435-5850
www.ca7.uscourts.gov

NOTICE OF DOCKETING - Short Form

December 12, 2012

The below captioned appeal has been docketed in the United States Court of Appeals for the Seventh Circuit:

Appellate Case No: 12-3800

Caption:

STATE OF MICHIGAN, et al.,
Plaintiffs - Appellants

v.

UNITED STATES ARMY CORPS OF ENGINEERS, et al.,
Defendants - Appellees

and

CITY OF CHICAGO, et al.,
Intervenors - Appellees

District Court No: 1:10-cv-04457

Court Reporter Carolyn Cox
Clerk/Agency Rep Thomas Bruton
District Judge John Tharp

Date NOA filed in District Court: 12/12/2012

If you have any questions regarding this appeal, please call this office.

form name: **c7_Docket_Notice_short_form**(form ID: 188)