

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

March 7, 2019

ECO-026-E

Nos. 19-1191 thru 19-1232

In re: PENNEAST PIPELINE COMPANY, LLC

STATE OF NEW JERSEY; NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION; NEW JERSEY STATE AGRICULTURE DEVELOPMENT COMMITTEE; DELAWARE & RARITAN CANAL COMMISSION; NEW JERSEY WATER SUPPLY AUTHORITY; NEW JERSEY DEPARTMENT OF TRANSPORTATION; NEW JERSEY DEPARTMENT OF THE TREASURY; NEW JERSEY MOTOR VEHICLE COMMISSION,
Appellants

(D.N.J. Nos. 3-18-cv-01597, et al.)

Present: CHAGARES and JORDAN, Circuit Judges

1. Expedited Motion by Appellants State of New Jersey, New Jersey Department of Environmental Protection, New Jersey State Agriculture Development Committee, Delaware & Raritan Canal Commission, New Jersey Water Supply Authority, New Jersey Department of Transportation, New Jersey Department of the Treasury and New Jersey Motor Vehicle Commission to Stay District Court Order Pending Resolution of the Appeal, to Expedite the Appeals with Proposed Briefing Schedule as follow:

Appellants Opening Brief and Appendix Due 30 Days from the date of an Order Granting Motion to Expedite.

Appellees Answering Brief Due 20 Days thereafter.

Appellants Reply Brief Due 10 Days thereafter.

2. Response by Appellee County of Mercer to Motion for Stay, to Expedite the Appeals;
3. Response by Appellee PennEast Pipeline Co LLC to Motion for Stay, to Expedite the Appeals;
4. Reply by Appellants State of New Jersey, New Jersey Department of

Environmental Protection, New Jersey State Agriculture
Development Committee, Delaware & Raritan Canal Commission,
New Jersey Water Supply Authority, New Jersey Department of
Transportation, New Jersey Department of the Treasury and New Jersey Motor
Vehicle Commission to Responses.

Respectfully,
Clerk/kr

ORDER

The foregoing motion by the Appellants for a stay pending appeal is granted in part. In the event Appellee transitions from the surveying and testing phase to the construction phase of the pipeline project, physical construction of the pipeline shall be stayed pending this appeal. Additionally, the just compensation portion of the litigation is stayed pending this appeal.

Appellants' motion to expedite the appeal is granted. Appellants' opening brief of no more than 14,000 words must be filed and served within thirty (30) days from the date of this order. Appellee's brief must be filed and served within twenty (20) days of service of Appellants' brief. A reply brief, if any, must be filed and served within ten (10) days of service of the Appellee's brief. The matter will be assigned to the first merits panel available at the conclusion of briefing.

By the Court,

s/Michael A. Chagares
Circuit Judge

Dated: March 19, 2019

kr/cc: All Counsel of Record



A True Copy:

Patricia A. Dodszeit

Patricia S. Dodszeit, Clerk