

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

PHIPPSBURG SHELLFISH CONSERVATION) COMMISSION; PHIPPSBURG LAND TRUST;) FRIENDS OF MERRYMEETING BAY;) BOB CUMMINGS; ETHAN DEBERY; DEAN) DOYLE; BRETT GILLIAM; PEGGY) JOHANNESSEN; DOROTHY KELLY;) LAWRENCE PYE; LAURA SEWALL;))) Plaintiffs,))) v.))) U.S. ARMY CORPS OF ENGINEERS; COL.) PHILIP T. FEIR, in his official capacity as) District Engineer, New England District,) U.S. ARMY CORPS OF ENGINEERS,))) Defendants.)	PLAINTIFFS' UNOPPOSED MOTION FOR AN EXPEDITED PRELIMINARY INJUNCTION SCHEDULE CIVIL ACTION NO. 2:11-cv-259
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**PLAINTIFFS' UNOPPOSED MOTION FOR AN EXPEDITED PRELIMINARY
INJUNCTION SCHEDULE**

Plaintiffs hereby request an expedited schedule so that their motion for a preliminary injunction can be heard prior to the planned dredging of the Kennebec River, which is scheduled to begin on or about Aug. 1, 2011. Defendants do not oppose the schedule set forth in this motion. Putative intervenors Bath Iron Works (“BIW”) and the Town of Phippsburg join in the relief requested.

On June 23, 2011, Plaintiffs first became aware that on or about June 16th Defendant Col. Philip T. Feir, District Engineer for the New England District of the Army Corps of Engineers, had approved August 2011 dredging of the Kennebec River. On July 1st, Plaintiffs filed a Complaint and Motion for Preliminary Injunction initiating this action. Simultaneous with the transmission of case opening documents to the clerk of the court on July 1st, Plaintiffs provided

an electronic copy of both filings to counsel for the New England District Defendant Army Corps of Engineers. On July 5th, Plaintiffs also served all Defendants via express and/or next day mail with a written copy of the Motion for Preliminary Injunction along with service of the Complaint and Summonses.

The parties have agreed to request of this Court an expedited preliminary injunction schedule as follows: Defendants will respond to the motion for a preliminary injunction by July 18th and putative intervenor BIW will respond by July 19th. Plaintiffs will reply by July 20th. All parties will be prepared for a non-evidentiary hearing before the court by July 22nd.

Accordingly, to the extent the court grants a hearing, the parties request that it occur on July 22nd or the following week.

Respectfully Submitted, July 12, 2011

By: /s/ Stephen F. Hinchman
Stephen F. Hinchman

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CERTIFICATE OF SERVICE:

I hereby certify that on July 12, 2011, I electronically filed **PLAINTIFFS'**
UNOPPOSED MOTION FOR AN EXPEDITED PRELIMINARY INJUNCTION
SCHEDULE with the Clerk of Court using the CM/ECF system which will send notification of
such filing(s) to:

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