

**STATE OF MICHIGAN
IN THE 30TH JUDICIAL CIRCUIT FOR INGHAM COUNTY**

**DANA NESSEL, ATTORNEY GENERAL
OF THE STATE OF MICHIGAN, ON BEHALF
OF THE PEOPLE OF THE STATE OF
MICHIGAN,**

Plaintiff,

**AMENDED TEMPORARY
RESTRAINING ORDER**

v

CASE NO. 19-474-CE

HON. JAMES S. JAMO

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

Defendants.

At a session of said Court
held in the city of Lansing, county of Ingham,
this 1st day of July, 2020.

PRESENT: HON. JAMES S. JAMO, Circuit Court Judge


This Court granted Plaintiff's Ex Parte Motion for a Temporary Restraining Order Pending Hearing on Motion for Preliminary Injunction on June 25, 2020 and issued a Temporary Restraining Order (TRO) against Defendants' operations of both the East and West Lines of Defendants' Line 5 pipelines. Following briefing and extensive written submissions by both parties as well as three amicus parties, the Court heard oral arguments on the Plaintiff's Motion for Preliminary Injunction on June 30, 2020. The Court, having reviewed the written submissions as well as having considered the presentations of the parties at oral argument, now orders the following:

1. The TRO previously entered on June 25, 2020 will remain in effect until a full and complete Opinion & Order is issued regarding the Motion for Preliminary Injunction by this Court, with the following amendments.
2. The TRO remains in effect prohibiting the Defendants' operation of the East Line until such time that the federal regulator, the Pipeline and Hazardous Materials Safety Administration (PHMSA), has completed its investigation of the damage to the East Line and Defendants have complied with all PHMSA requirements, including those set forth in PHMSA's June 29, 2020, letter to Michael Koby, Enbridge Vice President, US Operations, and have completed all repairs and maintenance of the East Line PHMSA recommends or mandates, and until further Order of this Court. All information provided to PHMSA by Defendants between this Order and further Order of the Court pertaining to Plaintiff's request for Preliminary Injunction must contemporaneously also be provided to Plaintiff Attorney General and State of Michigan interested authorities.
3. The TRO as to the West Line is amended to allow Defendants to restart the West Line for the purpose of conducting an "in-line investigation" (ILI), as the Court finds the exercise of due care by a reasonably prudent person for the safety and welfare of all persons and of all public and private property in compliance with the 1953 Easement and the Second Agreement of 2018 would include conducting the ILI. The West Line may continue to operate thereafter subject to the results of the ILI and further Order of this Court. The results of the ILI for the "feature of interest" area, including all obtained data and all conclusions, must be obtained and disclosed to Plaintiff Attorney General and the State of Michigan interested authorities within seven (7) days of the

date the West Line is restarted. The data and conclusions as to the remainder of the line must be obtained and provided to Plaintiff Attorney General and the State of Michigan interested authorities as soon as practical after completion of the test.

4. Parties must also discuss and determine what documentation has been received by the State of Michigan, what documentation has been requested by the State of Michigan and remains outstanding, and a time period for such documentation to be produced. Parties must prepare a stipulated list of documents and other materials to be produced, with expected timeframes for production, and a list of documents or other materials requested by the State of Michigan but production of which is objected to by Defendants and the basis for objection, and file it with the Court on or before July 7, 2020, at 1:00 p.m.

IT IS SO ORDERED.


Hon. James S. Jamo
Circuit Court Judge

PROOF OF SERVICE

I hereby certify that I emailed a copy of the above ORDER upon each attorney of record on July 1, 2020.

/s/ Kacie Smith
Kacie Smith (P78903)
Law Clerk to the Hon. James S. Jamo