

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

<p>WOLF CARBON SOLUTIONS US, LLC,</p> <p><i>Petitioner,</i></p> <p>v.</p> <p>IOWA UTILITIES BOARD, A DIVISION OF THE DEPARTMENT OF COMMERCE, STATE OF IOWA,</p> <p><i>Respondent.</i></p>	<p>CASE NO. EQCE088409</p> <p>JOINT STATUS REPORT AND REQUEST TO CANCEL OCTOBER 3, 2023 HEARING</p>
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COMES NOW, Petitioner Wolf Carbon Solutions US, LLC ("Wolf") with this Joint Status Report and Request to Cancel the October 3, 2023 Hearing (the "Hearing") stating the following:

1. In this action, Wolf is seeking temporary and permanent injunctive relief under IOWA CODE §§1.1501 through 1.511.

2. The underlying facts of this action involve Wolf's efforts to protect the confidentiality of certain landowner mailing lists so as to prevent damage to its business operations and reputation if such information were to be publicly disclosed.

3. The injunctive relief sought is grounded in the provisions of IOWA CODE §§ 22.5; 22.7(3); 22.7(6); 22.7(18); and 22.8.

4. Wolf also seeks injunctive relief under Iowa Code Chapter 550 (Iowa's Uniform Trade Secrets Act), as well as the common law *Clymer/DeLaMater* standard preventing disclosure of otherwise confidential information.

5. Wolf has also raised claims under common law theories of threatened tortious interference with prospective contractual relations, interference with prospective advantage, and the protected rights of association under the First and Fourteenth Amendments of the United States Constitution.

6. The Petition in this action was filed on January 3, 2023.
7. Respondent filed its Response to Wolf's Petition on January 17, 2023.
8. On February 1, 2023, the Court issued an Order granting Wolf's request for temporary injunctive relief in light of two other similar cases involving related issues, *Summit Carbon Solutions, LLC v. IA Utils. Bd., et al*, Case No. CVCV 062900 (Polk Cnty. Dist Ct.) (the "Summit Action"), and *Navigator Heartland Greenway, LLC v. IA Utils. Bd., et al.*, Case No. EQCE088024 (Polk Cnty. Dist Ct.) (the "Navigator Action").
9. A status conference is currently set for the above-captioned matter on October 3, 2023.
10. The Parties submit this unopposed Joint Status Report requesting to cancel or delay the October 3, 2023 status conference hearing.
11. The Summit Action is currently on appeal to the Iowa Supreme Court. The Summit Action involves substantially similar issues as the ones presented here regarding confidentiality of landowner mailing lists. It is possible that the outcome of the Summit Action may be dispositive to this action, in whole or in part, with respect to the arguments raised by Wolf in this litigation.¹
12. The arguments in the Summit Action are predicted to be held in April 2024.
13. The Navigator Action — also involving similar issues of confidentiality of landowner mailing lists — has already asked for a cancellation or delay of its own upcoming status

¹ Wolf raises the same arguments as in the Summit Action; however, Wolf raises additional arguments not raised in the Summit Action or the Navigator Action. If Summit prevails in its appeal, it could moot this proceeding. However, if Summit does not prevail in its appeal, there would be multiple viable claims left for Wolf to proceed in its own right here.

conference that was scheduled for October 6, 2023. That request was unopposed by the Iowa Utilities Board.

14. Given the overlap of issues between the above-captioned matter, the Navigator Action, and the pending Summit Action appeal, the Parties believe that the current litigation should continue to be stayed pending the resolution of the Summit Action's appeal. Once the Summit Action is resolved, the Parties can contact this Court to determine next steps in this case.

15. Because the Parties have submitted this Joint Status Report per the Court's prior Order(s), the Parties respectfully request that the October 3, 2023 hearing be cancelled or delayed.

WHEREFORE, the Parties pray for the Court to cancel or delay the hearing scheduled for October 3, 2023, and continue the stay currently in place pending the resolution of the Summit Action appeal, and for such other and further relief as the Court deems fit under the circumstances.

DATED: September 26, 2023.

Respectfully submitted,

/s/ Colin C. Smith

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