

IN THE IOWA DISTRICT COURT IN AND FOR POLK COUNTY

SUMMIT CARBON SOLUTIONS, LLC,

Plaintiff,

v.

IOWA UTILITIES BOARD, A DIVISION
OF THE DEPARTMENT OF COMMERCE,
STATE OF IOWA,

Respondent,

and

SIERRA CLUB IOWA CHAPTER,

Intervenor,

and

OFFICE OF CONSUMER ADVOCATE,

Intervenor.

Case No. 05771 CVCV062900

**ORDER REGARDING PLAINTIFF'S
MOTION TO CONTINUE DEADLINE TO
RESPOND TO MOTION FOR SUMMARY
JUDGMENT**

Plaintiff's Motion to Continue the Deadline to Respond to Sierra Club's Motion for Summary Judgment came before the Court for hearing on April 22, 2022. The hearing was held remotely via GoToMeeting. Bret Dublinske represented Summit Carbon Solutions, LLC ("Summit"). Anna Ryon represented the Office of Consumer Advocate ("OCA"). Jon Tack represented the Iowa Utilities Board ("the Board"). Wallace Taylor represented Sierra Club Iowa Chapter ("Sierra"). The matter is fully submitted. Having considered the arguments of the parties, the Court enters this Order.

Summit has submitted a properly supported Motion for Continuance under Iowa Rule of Civil Procedure 1.981(6). Sierra and OCA resist the Motion, arguing that there are two separate

grounds for granting summary judgment, and the evidence Summit seeks to procure via discovery applies to only one of the grounds.

The Court cannot assume that summary judgment will, or will not, be granted on either or both grounds. Accordingly, Summit is entitled to gather evidence to support a resistance to both grounds. Further, the pending discovery requests were timely served, and, even with a delay, there is still sufficient time for the Court to rule on the Motion for Summary Judgment in advance of the scheduled trial on July 7, 2022.

For the foregoing reasons, Summit's Motion for Continuance is GRANTED. Any resistances to the pending Motion for Summary Judgment shall be filed on or before May 12, 2022.

IT IS SO ORDERED.



State of Iowa Courts

Case Number
CVCV062900

Case Title
SUMMIT CARBON SOLUTIONS LLC V IOWA UTILITIES
BOARD
ORDER FOR CONTINUANCE

Type:

So Ordered

David Nelmark, District Judge
Fifth Judicial District of Iowa

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