

IN THE IOWA DISTRICT COURT FOR POLK COUNTY**WOLF CARBON SOLUTIONS US LLC,**
Petitioner,
vs.**IOWA UTILITIES BOARD,**
Respondent.**Case No. EQCE088016****ORDER ON MOTION TO INTERVENE
AND MOTION TO STRIKE**

Pending before the court are two motions: 1) Sierra Club Iowa Chapter's ("Sierra Club") motion to intervene filed November 2, 2022 and 2) Petitioner's ("Wolf") motion to strike filed November 15, 2022.

Prior to hearing, there was some confusion among the parties. Wolf filed this action on September 7, 2022 to obtain an injunction to keep the Iowa Utilities Board ("IUB") from releasing a list of landowners who were potentially affected by Wolf's proposed pipeline project. However, a second list was subsequently compiled as it was alleged the first list had errors.

Sierra Club, through its reply filed November 23, 2022, and during the hearing has made it clear it is not interested in the first list, but the second. Both Sierra Club and IUB believed the petition in this case applied to both lists. At the hearing, Wolf affirmatively asserted their petition and request for injunction only applies to the first list as the second list had not been created as the time of filing.

The court finds this distinction important as the first list is, as Sierra Club admits, not of interest to them. As they admittedly have no interest in the subject of this action (that being, the first landowner list), there is no reason to allow Sierra Club to intervene in this particular action. This decision, however, does not limit Sierra Club in requesting intervention in any subsequent action with regard to the second list.

Wolf has also filed a motion to strike portions of Sierra Club's intervention filings pursuant to Iowa Rule of Civil Procedure 1.434. Sierra Club resists, noting that Rule 1.434 applies to pleadings. The court finds the affidavit at issue is not a pleading for purposes of this rule. Even if it was, the court finds the issue a factual dispute and not appropriate in a motion to strike.

It is therefore the ORDER of the Court the motion to intervene and the motion to strike are denied.

SO ORDERED.



State of Iowa Courts

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Type:

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WOLF CARBON SOLUTIONS VS IOWA UTILITIES BOARD
OTHER ORDER

So Ordered

A handwritten signature in blue ink, appearing to read 'Celene Gogerty', written over a horizontal line.

Celene Gogerty, District Judge
Fifth Judicial District of Iowa

Electronically signed on 2023-01-17 14:59:16