

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Charlottesville Division**

ATLANTIC COAST PIPELINE, LLC,

Plaintiff,

v.

NELSON COUNTY BOARD OF
SUPERVISORS, *et al.*

Defendants.

Case No. 3:18-cv-00115-NKM-JCH

PLAINTIFF’S MOTION FOR PARTIAL JUDGMENT ON THE PLEADINGS

Plaintiff Atlantic Coast Pipeline, LLC (“Atlantic”), pursuant to Fed. R. Civ. P. 12(c), moves for partial judgment on the pleadings in favor of Atlantic and against Defendants Nelson County Board of Supervisors and Nelson County (“Defendants”). The reasons supporting Atlantic’s motion are set forth in the accompanying brief, and a proposed order is attached to this motion. Wherefore, Atlantic asks the Court to grant its motion and enter the proposed order.

Dated: July 23, 2019

ATLANTIC COAST PIPELINE, LLC
By Counsel

/s/ Brooks H. Spears

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CERTIFICATE OF SERVICE

I certify that, on July 23, 2019, I filed the foregoing on the Court's CM/ECF system, which will send notification to the following:

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Brooks H. Spears

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**[PROPOSED] ORDER GRANTING PLAINTIFF’S
MOTION FOR PARTIAL JUDGMENT ON THE PLEADINGS**

On _____, 2019, the Court held a hearing on the Motion for Partial Judgment on the Pleadings filed by Plaintiff Atlantic Coast Pipeline, LLC (“Atlantic”), during which it heard argument from counsel for Atlantic and counsel for Defendants Nelson County Board of Supervisors and Nelson County. Having considered the parties’ arguments and briefs, the Court GRANTS Plaintiff’s motion and ORDERS that the Nelson County Zoning Ordinance, including the Floodplain Regulations set forth in Article 10, and all other laws, ordinances, rules, and regulations of Nelson County are preempted inasmuch as they purport to govern, regulate, prevent, obstruct, or delay the construction, siting, or operation of the Atlantic Coast Pipeline.

It is so ORDERED.

DATE

NORMAN K. MOON
SENIOR UNITED STATES DISTRICT JUDGE