

CLERKS OFFICE U.S. DIST. COURT
AT CHARLOTTESVILLE, VA
FILED
03/09/2020
JULIA C. DUDLEY, CLERK
BY: /s/ J. JONES
DEPUTY CLERK

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION**

ATLANTIC COAST PIPELINE, LLC,

Plaintiff,

v.

NELSON CO. BOARD OF SUPERVISORS, *et al.*,

Defendants.

CASE NO. 3:18-cv-00115

ORDER

JUDGE NORMAN K. MOON

This matter is before the Court on Defendants Nelson County, Virginia and the Nelson County Board of Supervisors’ motion for summary judgment, Dkt. 36, and Plaintiff Atlantic Coast Pipeline, LLC’s motion for partial judgment on the pleadings, Dkt. 26, which this Court recently converted to a Rule 56 motion for partial summary judgment pursuant to Rule 12(d). Dkt. 42. For the reasons stated in the accompanying memorandum opinion:

- o Plaintiff’s motion for partial summary judgment, Dkt. 26, is **GRANTED**.
- o Defendants’ motion for summary judgment, Dkt. 36, is **DENIED**.

As stated in the accompanying memorandum opinion, and pursuant to 28 U.S.C. § 2201, it is hereby **DECLARED** that the Floodplain Regulations set forth in Article 10 of Nelson County Zoning Ordinance are preempted inasmuch as they purport to govern, regulate, prevent, obstruct, or delay the construction, siting, or operation of the Atlantic Coast Pipeline, and Atlantic is not required to comply with the Floodplain Regulations.

It is so **ORDERED**.

The Clerk of the Court is directed to send a certified copy of this Order and accompanying memorandum opinion to all counsel of record.

Entered this 9th day of March, 2020.



NORMAN K. MOON
SENIOR UNITED STATES DISTRICT JUDGE