

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN**

BAD RIVER BAND OF THE LAKE  
SUPERIOR TRIBE OF CHIPPEWA  
INDIANS OF THE BAD RIVER  
RESERVATION,

*Plaintiff,*

v.

ENBRIDGE ENERGY COMPANY, INC.,  
and ENBRIDGE ENERGY, L.P.,

*Defendants.*

Case No. 3:19-cv-00602-wmc

Judge William M. Conley  
Magistrate Judge Stephen L. Crocker

ENBRIDGE ENERGY COMPANY, INC.,  
and ENBRIDGE ENERGY, L.P.,

*Counter-Plaintiffs,*

v.

BAD RIVER BAND OF THE LAKE  
SUPERIOR TRIBE OF CHIPPEWA  
INDIANS OF THE BAD RIVER  
RESERVATION and NAOMI TILLISON,  
in her official capacity,

*Counter-Defendants.*

**BAD RIVER BAND OF THE LAKE SUPERIOR TRIBE OF CHIPPEWA INDIANS’  
EMERGENCY MOTION FOR INJUNCTIVE RELIEF**

The Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation (the “Band”) respectfully moves, on an emergency basis, for injunctive relief requiring Defendants Enbridge Energy Company, Inc., and Enbridge Energy, L.P. (collectively

“Enbridge”), to purge and shut down the Line 5 pipeline on the Bad River Reservation given the alarming amount and rate of erosion experienced at the Bad River meander in the last month.

In the past four weeks, bank erosion at the meander has proceeded at a staggering pace. At four locations the river is less than 15 feet from the pipeline, and only 11 feet of bank remains at the E series of monuments. At three of these locations, more bank has been lost in the past few weeks than presently stands between the pipeline and the river. For instance, at the M3 series of monuments, 34 feet of bank stood between the pipeline and the river before the second week of April. Even as of the filing of the parties’ Joint Status Report on May 1, 23–24 feet of bank remained. *See* Dkt. 627 at 4 (fig. 2). Now, just one week later, 12.5 feet remain. Significant erosion is continuing as of the filing of this Motion, and the evidence strongly suggests that further bank loss could be substantial and result in exposure and rupture of the pipeline. The accompanying Memorandum of Law and Declaration of Ian Paton discuss these facts in detail.

Because of the proximity of the river to the pipeline at the meander, the Band requests a decision on this Motion by this Friday, May 12, 2023, and accordingly asks that the Court issue a schedule for Enbridge’s briefing (and for argument, if the Court desires it) to reach a resolution by that date.

Dated: May 9, 2023

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I certify that on May 9, 2023, this document was served on all parties or their counsel of record through the CM/ECF system if they are registered users or, if they are not, by placing a true and correct copy in the United States mail, postage prepaid, to their address of record.

/s/ Riyaz A. Kanji  
Riyaz A. Kanji