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*VIA FEDEX OVERNIGHT DELIVERY and  
VIA E-MAIL - [SupremeCtBriefs@USDOJ.gov](mailto:SupremeCtBriefs@USDOJ.gov)*

Scott S. Harris, Clerk  
Supreme Court of the United States  
1 First Street, NE  
Washington, DC 20543

Re: Orus Ashby Berkley, et al. v. Federal Energy Regulatory Commission, *et al.*  
No. 18-561  
*Response in opposition to Respondents' motion for an extension of time and  
Petitioners' motion for a stay pending litigation*

Dear Mr. Harris:

Petitioners respectfully oppose Respondents' Motion for an Extension of Time and request a Stay Pending Litigation in the event that the Court grants the extension.

Petitioners indicated via email to Respondent Mountain Valley Pipeline, LLC ("MVP") on November 20, 2018 (wherein no explanation was offered by MVP for its request for an extension) that because of the particular circumstances of this case, the Petitioners oppose any extension of time absent a stay of construction pending litigation.

As we indicated to MVP, Petitioners have no objection to an extension *so long as* both Defendants FERC and MVP agree to stay construction while the litigation is pending before this Court. Otherwise, an extension would not only benefit MVP by providing an unfair advantage to allow it to once again advance construction during the extension, but would also unduly prejudice the individual Landowners, on whose land the power of eminent domain is being exercised.

Absent a stay pending litigation, Petitioners object to any such extension. Every day that the construction continues, more of the pipe goes into the ground. Since Petitioners are challenging this as an unconstitutional delegation of eminent domain power, the validity of the entire project is brought into question before this Court.



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Therefore, without an order to stay construction, Petitioner-Landowners object to the extension of time as each day of construction further damages the landowners' private property rights.

Should you have any questions, please do not hesitate to call.

Very truly yours,

GENTRY LOCKE

A handwritten signature in blue ink, appearing to read 'Guy M. Harbert, III', written over the printed name.

Guy M. Harbert, III

GMH:jak

cc: Mia Yugo, Esq.  
Thomas J. Bondurant, Esq.