

In the Supreme Court of the United States

LEONARD W. HOFFMANN, ET AL.,
Petitioners,

v.

WBI ENERGY TRANSMISSION, INC.,
Respondent.

***ON WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT***

**MOTION FOR LEAVE TO DISPENSE WITH
PREPARATION OF JOINT APPENDIX**

Pursuant to Rule 26.8 of the Rules of this Court, Petitioners respectfully seek leave to dispense with the requirement of a joint appendix in this case.

The question presented is whether, in private condemnations under the Natural Gas Act, 15 U.S.C. § 717f(h), just compensation should be determined by reference to state law. That is a pure question of law. Further, Rule 26.1 provides that items that are already included in an appendix to the petition for a writ of certiorari “need not be reproduced again in the joint appendix.” Here, the appendix to the petition for a writ of certiorari includes the relevant materials from the Eighth Circuit and District Court. In Petitioners’ view, no other portion of the record merits special attention warranting the preparation and expense of a joint appendix, and preparation of a

joint appendix would not meaningfully assist the presentation or consideration of this case.

Counsel for Respondent has authorized Petitioners to state that Respondent does not oppose this motion.

Respectfully submitted,

/s/ROBERT J. MCNAMARA

ROBERT J. MCNAMARA

INSTITUTE FOR JUSTICE

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