

United States Court of Appeals For the First Circuit

No. 16-2100

BERKSHIRE ENVIRONMENTAL ACTION TEAM, INC.; JEAN ATWATER-WILLIAMS;
RONALD M. BERNARD; CATHY KRISTOFFERSON; CHERYL D. ROSE; IRVINE
SOBELMAN; PAULA L. TERRASI; SUSAN K. THEBERGE; ROSEMARY WESSEL;
KATHRYN R. EISEMAN; ARIEL S. ELAN; ELLIOT FRATKIN; MARTHA A. NATHAN;
KENNETH HARTLAGE; RONALD R. COLER; JANE WINN; HEATHER MORRICAL,

Petitioners,

v.

TENNESSEE GAS PIPELINE COMPANY, LLC; MA DEPT OF ENVIRONMENTAL
PROTECTION,

Respondents.

Before

Thompson, Kayatta and Barron,
Circuit Judges.

ORDER OF COURT

Entered: October 4, 2016

The petitioners' motion to stay their own petition for review pending a final decision in the State respondent's adjudicatory proceeding is denied. We take no view for now as to the jurisdictional controversy raised by the parties, both in this court and in a related action in the District of Massachusetts, Tennessee Gas Pipeline Co., LLC v. Massachusetts Department of Environmental Protection, et al., No. 16-cv-11671-NMG. The jurisdictional issue will be briefed by the parties and decided by this court on the expedited basis previously indicated, saving that petitioners shall make any designation under Fed. R. App. P. 30(b)(1) by October 6, 2016. Requests for further extensions of the expedited schedule will be viewed with disfavor.

By the Court:

/s/ Margaret Carter, Clerk

cc:

Richard A. Kanoff

Susan E. Stenger

Saqib Hossain

James L. Messenger

James Flynn

Brian Joseph Wall

Maura T. Healey

Seth Schofield

Kimberly D. Bose

Mark Gardella

Sandisfield Conservation Commission

Agawam Conservation Commission

US Department of the Army Corps of Engineers

U.S. Environmental Protection Agency

MA Department of Conservation and Recreation

MA Division of Fisheries and Wildlife

MA Environmental Policy Act Office

MA Department of Agricultural Resources

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