

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

SPIRE STL PIPELINE LLC,	)	
	)	
Plaintiff,	)	Const. Case No.: 4:18-CV-01327
	)	
v.	)	
	)	
3.31 ACRES OF LAND, MORE OR LESS,	)	
SITUATED IN ST. CHARLES COUNTY,	)	
STATE OF MISSOURI et al;	)	
	)	
Defendants.	)	

**MOTION BY DEFENDANT LANDOWNERS TO DISSOLVE INJUNCTION AND DISMISS  
CONDEMNATION ACTION FOR LACK OF SUBJECT MATTER JURISDICTION BASED ON  
ISSUANCE OF MANDATE IN *ENVIRONMENTAL DEFENSE FUND V. FERC***

Earlier today, October 8, 2021, the United States Court of Appeals for the District of Columbia Circuit (D.C. Circuit) issued a mandate in *Environmental Defense Fund v. FERC*, Docket No. 20-1016 which vacated the certificate issued for the Spire Pipeline. *See* Attached Mandate. With the issuance of the mandate, the D.C. Circuit’s ruling is effective and Spire’s certificate for the project is now a nullity.

Without a certificate, this court lacks subject matter jurisdiction over Spire’s condemnation complaint. This court’s jurisdiction over Spire’s condemnation is grounded on Section 717f(h) of the Natural Gas Act which confers “holders of certificates of public necessity and convenience” with authority to bring a condemnation action in federal district court. Spire no longer has a certificate and therefore, this court no longer has jurisdiction. The temporary certificate issued under Section 717f(c)(1)(b) of the Natural Gas Act is not a “certificate of

public necessity and convenience” which is granted under Section 717f(e) (entitled “granting of a certificate of public convenience and necessity.”)

For these reasons, the Defendant Landowners move this court to dismiss the condemnation complaint for lack of subject matter jurisdiction, renew their motion to dissolve the preliminary injunction, find Spire in trespass and eject it from the property. The Landowners will supplement this motion with a memorandum next week; however, given the urgent nature of the situation, it was vital to bring this new development to the Court’s attention as soon as possible.

Respectfully submitted,

*/s/ Carolyn Elefant*  
Carolyn Elefant, *pro hac vice*  
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**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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**No. 20-1016**

**September Term, 2021**

FERC-CP17-40-002  
FERC-CP17-40-001  
FERC-CP17-40-000

Filed On: October 8, 2021 [1917347]

Environmental Defense Fund,

Petitioner

v.

Federal Energy Regulatory Commission,

Respondent

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Spire Missouri Inc. and Spire STL Pipeline,  
LLC,

Intervenors

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Consolidated with 20-1017

**MANDATE**

In accordance with the judgment of June 22, 2021, and pursuant to Federal Rule of Appellate Procedure 41, this constitutes the formal mandate of this court.

**FOR THE COURT:**  
Mark J. Langer, Clerk

BY: /s/  
Daniel J. Reidy  
Deputy Clerk

[Link to the judgment filed June 22, 2021](#)

## CERTIFICATE OF SERVICE

I, Carolyn Elefant, certify that on this 8th day of October, 2021 I caused the foregoing Motion to be served on all parties through the ECF System.

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