

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
WESTERN DIVISION**

JAMES HUNTER; SHERI HUNTER;
BRADLEY HUTCHISON; KATHERINE
HUTCHISON; SUSAN KELLEY;
WILLIAM MCCONNELL; CINDY
O'HEARN; MICHAEL O'HEARN;
BARBARA OLIVER; JAMES RINE;
MARY RINE; STEPHANIE SHOLES

Petitioners,

v.

PAGE COUNTY, IOWA; BOARD OF
SUPERVISORS OF PAGE COUNTY,
IOWA; ALAN ARMSTRONG; JACOB
HOLMES; JAMES KING; CHUCK
MORRIS; CARL SONKSEN

Respondents.

Case No. 1:22-cv-17

MOTION TO RECONSIDER

**ORDER [ECF 22]
GRANTING SHW'S MOTION TO
INTERVENE [ECF 2]
&
TEXT ORDER [ECF 23]
DENYING PETITIONERS' MOTION TO
STRIKE SHW'S RESISTANCE TO TRO [ECF
17] AS MOOT BASED ON ORDER [ECF 22]**

Petitioners submit this Motion to Reconsider its Order [ECF 22] Granting SHW's Motion to Intervene, and Text Order [ECF 23] denying Petitioners' Motion to Strike SHW's Resistance to TRO [ECF 17].¹

Shenandoah Hills Wind Project, LLC ("SHW") substantially misrepresented fundamental facts and law in its Motion to Intervene [ECF 2] ("Intervention Motion") and its Reply in Support of the Motion to Intervene [ECF 4] ("Intervention Reply"). The Intervention Motion and Intervention Reply were each filed in the Iowa District Court for Page County ("State Court") prior to Respondents' Notice of Removal.

No hearing on the Intervention Motion was heard by the State Court or this Court. This

¹ This Motion should is not an admission or concession as to the Court's authority to hear this case under 28 U.S.C. § 1441(a). Petitioners do not waive the right to seek timely remand of this case on any grounds.

Court granted SHW's Intervention Motion by Order on November 1, 2022. [ECF 22]. This Court the same day relied on [ECF 22] and denied by Text Order [ECF 23] Petitioners' Motion to Strike SHW's Resistance to Petitioners' preliminary injunction [ECF 17] as moot.

Based upon SHW's own subsequent admissions, SHW misrepresented facts and law in the Intervention Motion and Intervention Reply. SHW has no cognizable legal interest at this time and its intervention is without basis, by its own admission to this Court.

These misrepresentations could not have been presented in Petitioner's State Court briefing because the true facts were disclosed by SHW only last week in its filings with this Court.

Petitioners move that the Court reconsider its approval of SHW's intervention in this case and then (i) deny SHW's Motion to Intervene [ECF 2] and (ii) strike SHW's unauthorized filings in this case, including first and second resistances to Petitioners' TRO Motion [ECF 6 & 20] The Petitioners also request hearings on all matters on which SHW opines from here forward. This Motion is supported by the attached Memorandum.

Dated: November 2, 2022

ATTORNEYS FOR THE PETITIONERS

/s/ Theodore Sporer (AT0007453)
108 Third Street, Suite 302
Des Moines, Iowa 50309-4758
Telephone (515) 989-6080
Facsimile (515) 414-7679
Email teddy@sporerlaw.com
Lead Counsel

Shawn Shearer
The Shearer Law Office, P.C.
3839 McKinney Ave., Suite 155-254
Dallas, Texas 75204
and
108 Third Street
Des Moines, IA 50309-4758
Telephone (214) 717-1828
Email shawn@shearerlaw.pro
(Southern District of Iowa Admission In-Process)

CERTIFICATE OF SERVICE

The undersigned certifies the foregoing document was electronically filed using the CM/ECF on November 2, 2022, which will send a notice of electronic filing to all registered counsel of record.

/s/ Theodore Sporer