

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

ROCKIES EXPRESS PIPELINE, LLC,	)	
Plaintiff,	)	
	)	
vs.	)	1:08-cv-0751-RLY-TAB
	)	
123.62 ACRES, et al.,	)	
Defendants.	)	

**ORDER ON DEFENDANTS ARVIN M. AND MARY L. HOPKINS' MOTION  
TO CERTIFY ORDER AS A FINAL JUDGMENT OR, ALTERNATIVELY,  
TO EXTEND THE TIME TO FILE NOTICE OF APPEAL**

Defendants, Arvin M. and Mary L. Hopkins (the “Hopkins”), move to certify the court’s May 11, 2011 Condemnation Order as a final, appealable judgment pursuant to Federal Rule of Civil Procedure 54(b). Alternatively, the Hopkins move the court to extend the time within which they have to appeal the court’s May 11, 2011 Condemnation Order for thirty (30) days pursuant to Federal Rule of Appellate Procedure 4(a)(5).

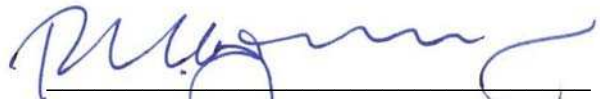
There are three tracts of land remaining in this litigation; those owned by Defendant J.W. Jones Materials, LLC (“J.W. Jones”), Defendant Donald Bates (“Bates”), and Defendant Sandra Ritz<sup>1</sup> (“Ritz”). The court finds that there may be issues of law and fact between the Commission proceedings involving the tract owned by the Hopkins and

---

<sup>1</sup> The docket reflects that Ritz settled her claim on July 8, 2011; however, she has not filed a Stipulation of Dismissal with the court as of this date. (*See* Docket ## 873, 892).

those involving the tracts owned by J.W. Jones, Bates, and Ritz, particularly with regard to the formula utilized to determine the just compensation to be paid by Rockies Express Pipeline, LLC, to the landowners as a result of the condemnation of the Right-Of-Way Servitudes across their respective tracts of land. Accordingly, the court **DENIES** the Hopkins' motion to certify the court's May 11, 2011 Condemnation Order as a final, appealable judgment, and their alternative motion to extend the time within which they have to appeal the court's May 11, 2011 Condemnation Order (Docket # 866) is **DENIED** as **MOOT**.

**SO ORDERED** this 24th day of August 2011.



---

RICHARD L. YOUNG, CHIEF JUDGE  
United States District Court  
Southern District of Indiana

Electronic Copies to:

Patrick C. Badell  
BADELL & WILSON  
bwlaw@bwlawoffice.com

Bruce D. Brattain  
BRATTAIN & MINNIX  
batmi5@aol.com

Abigail B. Cella  
ICE MILLER LLP  
abby.cella@icemiller.com

Ronald Grant DeWaard  
VARNUM RIDDERING SCHMIDT & HOWLETT  
rgdewaard@varnumlaw.com

Mario Garcia  
BRATTAIN & MINNIX  
mgarcia@brattainminnix.com

Joseph M. Hendel  
HACKMAN HULETT & CRACRAFT LLP  
jhendel@hhclaw.com

Andrea L. Hermer  
BENESCH, FRIEDLANDER, COPLAN & ARONOFF LLP  
ahermer@beneschlaw.com

Robert Srader Hulett  
HACKMAN HULETT & CRACRAFT LLP  
rhulett@hhclaw.com

Philip B. McKiernan  
HACKMAN HULETT & CRACRAFT, LLP  
pmckiernan@hhclaw.com

H. Wayne Phears  
McGuireWoods LLP  
wphears@mcguirewoods.com

Anthony Seaton Ridolfo Jr.  
HACKMAN HULETT & CRACRAFT LLP  
aridolfo@hhclaw.com

Jessica Erin Routley  
AZO SERVICES INC.  
JRoutley@azoservices.com

Philip David Sever  
SEVER STOREY LLP  
Phil@severstorey.com

Scott Roger Sikkenga  
VARNUM RIDDERING SCHMIDT & HOWLETT LLP  
srsikkenga@varnumlaw.com

Tonny D. Storey  
SEVER STOREY LLP  
tonny@severstorey.com

Daniel Steven Tomson  
MERCER BELANGER  
dtomson@indylegal.com

Mark R. Waterfill  
BENESCH, FRIEDLANDER, COPLAN, & ARONOFF, LLP  
mwaterfill@beneschlaw.com

Zeff A. Weiss  
ICE MILLER LLP  
weiss@icemiller.com

Ronald L. Wilson  
BADELL & WILSON  
bwlaw@bwlawoffice.com