

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

**ANIMAL WELFARE
INSTITUTE, et al.,**

Plaintiffs

v.

BEECH RIDGE ENERGY LLC, et al.,

Defendants.

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Case No.: RWT 09cv1519

ORDER

Upon consideration of Plaintiff Animal Welfare Institute, Mountain Communities for Responsible Energy, and David G. Cowan’s Complaint for Declaratory and Injunctive Relief [Paper No. 1], the memoranda of the parties and the testimony and evidence presented at trial on October 21-23, and 29, 2009, it is, for the reasons stated in the accompanying Memorandum Opinion, this 8th day of December, 2009, by the United States District Court for the District of Maryland,

ADJUDGED AND DECLARED, that construction and operation of wind turbines (except as hereinafter provided) by Defendants Beech Ridge Energy LLC and Invenergy Wind LLC at the Beech Ridge Project site, located in Greenbrier County, West Virginia, will violate § 9 of the Endangered Species Act, 16 U.S.C. § 1538(a)(1)(B), unless and until Defendants obtain an Incidental Take Permit pursuant to 16 U.S.C. § 1539(a)(1)(B); it is further

ORDERED, that Defendants Beech Ridge Energy LLC and Invenergy Wind LLC are **ENJOINED**, directly or indirectly, and whether alone or in concert with others,

from the date of this Order and unless and until they obtain an Incidental Take Permit pursuant to 16 U.S.C. § 1539(a)(1)(B), from:

- (1) constructing any additional turbines at the Beech Ridge Project site beyond the forty turbines that they have already begun to construct; and
- (2) operating any turbines at the Beech Ridge Project site between April 1 and November 15 in any calendar year; and it is further

ORDERED, that Plaintiffs are advised that should they wish to recover costs of this litigation pursuant to 16 U.S.C. § 1540(g)(4), they must file a motion articulating why such relief is warranted, accompanied by a fee application in conformity with Appendix B of the Local Rules of this Court, no later than February 1, 2010; and it is further

ORDERED, that the Clerk of Court is **DIRECTED** to administratively close this case.

/s/
ROGER W. TITUS
UNITED STATES DISTRICT JUDGE