

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
MIDLAND DIVISION**

SIERRA CLUB,	§	
	§	
Plaintiff,	§	
	§	
v.	§	CIVIL ACTION NO. 7:19-cv-00280-DC
	§	
JAMES LAKE MIDSTREAM, LLC and	§	
CANYON MIDSTREAM PARTNERS,	§	
LLC,	§	
	§	
Defendants.	§	

JOINT MOTION TO RELEASE FUNDS FROM REGISTRY OF THE COURT

Plaintiff Sierra Club and Defendant Canyon Midstream Partners, LLC (collectively, “Parties”), respectfully move the Court to release funds from the Court’s registry in accordance with the terms of the Consent Decree.

I. Background

Following resolution of this matter, a Consent Decree was entered on March 12, 2020. Pursuant to that Decree, on September 4, 2020, Defendant Canyon Midstream Partners, LLC deposited \$275,000 in the Court’s registry. (Receipt number 700016549). The funds have remained in the Court’s registry since that time. Section V of the Consent Decree states that the funds are to provide for a mitigation project and will be released on joint motion of the Parties. Section V further states that such motion must be made within two years of entry of the Consent Decree, March 12, 2022.

On March 11, 2022, the Parties jointly moved the Court to extend the deadline to release the registry funds to May 11, 2022. On March 14, 2022, the Court granted that motion and extended the deadline to release the funds to May 11, 2022.

II. Motion to Release Funds

The Parties have identified and agreed upon a mitigation project contemplated in Section V of the Consent Decree. The Parties intend to fund a project with the Ector County Independent School District as described in the attached letter from the Superintendent of the District. The registry funds will be used by the District to purchase and install replacement filters for the MA-50 Medify Air Purifiers recently installed in all District classrooms and offices. These purifiers effectively filter 99.9% of airborne particulate and allergens, improving indoor air quality and reducing the spread of COVID-19. The District believes that the funds will purchase approximately 4,435 replacement filters.

Accordingly, the Parties jointly request that the Court distribute the funds currently held in the Court's registry, along with any accrued interest or earnings thereon, to Ector County Independent School District and further request that the Court order the Clerk of Court to close the account invested in the Court Registry Investment System (CRIS).

Respectfully submitted this 10th day of May, 2022,

By: /s/Gabriel Clark-Leach

Gabriel Clark Leach

Texas Bar No. 24069516

Ilan Levin

Texas Bar No. 00798328

Colin Cox

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ATTORNEYS FOR DEFENDANT
CANYON MIDSTREAM PARTNERS,
LLC.

ATTORNEYS FOR PLAINTIFF
SIERRA CLUB.

CERTIFICATE OF CONFERENCE

Pursuant to Local Rule CV-7(i), I hereby certify that on May 6, 2022, I conferred with Joshua Frank, counsel for Defendant, in regard to this Joint Motion to Release Funds from the Registry of the Court and confirmed that Defendant joins in this motion.

/s/Gabriel Clark-Leach

CERTIFICATE OF SERVICE

I hereby certify that on May 10, 2022, this Joint Motion to Release Funds from the Registry of the Court was filed with the Clerk of the court pursuant to Local Rule CV-5 and the Electronic Filing Procedures and using the CM/ECF system, and that a true and correct electronic copy was served on Defendant by and through their counsel.

/s/Gabriel Clark-Leach
FOR PLAINTIFFS

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**ORDER GRANTING JOINT MOTION TO
RELEASE FUNDS FROM REGISTRY OF THE COURT**

CAME ON this date the Joint Motion to Release Funds from Registry of the Court. The Court, having reviewed the Motion and having no adverse interest appearing, is of the opinion that it should be GRANTED.

Accordingly, the Court ORDERS that, in the ordinary course of business, the Clerk of Court shall close the account invested in the Court Registry Investment System (CRIS) and release the funds to the payee named below. All principal plus accrued interest shall be paid as follows:

Payee: Ector County Independent School District
Mailing Address: Ector County Independent School District
802 N. Sam Houston
Odessa, TX 79761

It is further ORDERED that the payee shall submit all required forms to the Clerk of Court before funds are disbursed.

SIGNED this ____ day of _____, 2022.

DAVID COUNTS
UNITED STATES DISTRICT JUDGE

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	§	
Defendant.	§	

ATTACHMENT 1

Letter from the Superintendent of Ector County Independent School District regarding receipt and use of registry funds.



Scott Muri, Ed. D.
Superintendent of Schools
432-456-9879
802 N. Sam Houston, Odessa, TX 79761
Superintendent@ectorcountysd.org

April 18, 2022

Lauren Fler, Environmental Engineer
Colin Cox, Attorney
Environmental Integrity Project
1206 San Antonio Street
Austin, TX 78701
lfler@environmentalintegrity.org
colincox@environmentalintegrity.org

RE: Acceptance of \$275,000 to Fund HEPA Filters

Dear Ms. Fler and Mr. Cox,

The Ector County Independent School District (ECISD) is pleased to receive the funds discussed in your letter dated March 9, 2022, which proposed to direct \$275,000 to ECISD for the purpose of improving indoor air quality for students and staff. I referred the matter to the ECISD Board of Trustees, who considered the proposal at their meeting on Tuesday March 22, 2022 and voted unanimously in favor of accepting the funds.

The purpose of the funds is to confer environmental and health benefits to the greater Odessa area community. Accordingly, ECISD will use the funds to purchase replacement HEPA filters for use in the MA-50 Medify Air Purifier units previously purchased and installed by ECISD. ECISD will purchase approximately 4,435 replacement filters to expend the total funding amount of \$275,000. ECISD will not expend these funds for any other purpose.

ECISD is aware that this funding was set aside in 2020 as a result of a [legal settlement](#) involving the Clean Air Act. We understand that a motion to disburse the funds will be submitted to the United States District Court, Western District of Texas, Midland/Odessa Division, accompanied by a copy of this letter memorializing the use of the funds.

Sincerely,

A handwritten signature in black ink, appearing to read 'Scott Muri'.

Scott Muri, Ed.D.
Superintendent of Schools

OUR students...THE future