

UNITED STATES DISTRICT COURT

FOR THE

DISTRICT OF VERMONT

ENTERGY NUCLEAR VERMONT)
YANKEE, LLC and ENTERGY NUCLEAR)
OPERATIONS, INC.,)

Plaintiffs,)

v.)

Docket No. 1:11-cv-99

PETER SHUMLIN, in his official capacity as)
GOVERNOR OF THE STATE OF)
VERMONT; WILLIAM SORRELL, in his)
official capacity as the ATTORNEY)
GENERAL OF THE STATE OF VERMONT;)
and JAMES VOLZ, JOHN BURKE, and)
DAVID COEN, in their official capacities as)
members of THE VERMONT PUBLIC)
SERVICE BOARD,)

Defendants.)

PLAINTIFFS’ STATEMENT AS TO DISPUTES OF FACT

Plaintiffs Entergy Nuclear Vermont Yankee, LLC, and Entergy Nuclear Operations, Inc., respectfully state that there are no genuine disputes of fact that are material to the resolution of Plaintiffs’ claims. To the extent that Defendants assert that there are such disputes, Plaintiffs will demonstrate at trial and/or in Plaintiffs’ post-trial brief why those disputes are immaterial and, if material, why the disputes should be resolved in Plaintiffs’ favor.

Dated: September 4, 2011

Respectfully submitted,

Entergy Nuclear Vermont Yankee, LLC and
Entergy Nuclear Operations, Inc.

By their attorneys,

s/ Kathleen M. Sullivan

Kathleen M. Sullivan (*pro hac vice*)

Faith E. Gay (*pro hac vice*)

Robert Juman (*pro hac vice*)

Sanford I. Weisburst (*pro hac vice*)

William B. Adams (*pro hac vice*)

QUINN EMANUEL URQUHART
& SULLIVAN, LLP

51 Madison Avenue, 22nd Floor

New York, New York 10010

Telephone: (212) 849-7000

Fax: (212) 849-7100

s/ Robert B. Hemley

Robert B. Hemley

Matthew B. Byrne

GRAVEL & SHEA

76 St. Paul Street, 7th Floor

P.O. Box 369

Burlington, VT 05402-0369

Telephone: (802) 658-0220

Fax: (802) 658-1456

CERTIFICATE OF SERVICE

I, Kathleen M. Sullivan, hereby certify that on September 4, 2011, I electronically filed the foregoing "Statement As To Disputes Of Fact" with the Clerk of the Court of the United States District Court for the District of Vermont by using the CM/ECF system and that they are available for viewing and downloading from the ECF system. The CM/ECF system will provide service of such filing via Notice of Electronic Filing to the following counsel for Defendants:

Bridget C. Asay, Esq.
Michael N. Donofrio, Esq.
Scot L. Kline, Esq.
Justin Kolber, Esq.
Kyle H. Landis-Marinello, Esq.

s/ Kathleen M. Sullivan
Kathleen M. Sullivan
(admitted *pro hac vice*)
QUINN EMANUEL URQUHART
& SULLIVAN, LLP
51 Madison Avenue, 22nd Floor
New York, New York 10010
Telephone: (212) 849-7000
Fax: (212) 849-7100

Attorney for Plaintiffs