

# United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

**No. 11-1302**

**September Term 2011**

**EPA-47FR45210**

**EPA-76FR48208**

**EPA-76FR80760**

**Filed On:** January 18, 2012

EME Homer City Generation, L.P.,

Petitioner

v.

Environmental Protection Agency,

Respondent

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San Miguel Electric Cooperative, et al.,

Intervenors  
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Consolidated with 11-1315, 11-1323,  
11-1329, 11-1338, 11-1340, 11-1350,  
11-1357, 11-1358, 11-1359, 11-1360,  
11-1361, 11-1362, 11-1363, 11-1364,  
11-1365, 11-1366, 11-1367, 11-1368,  
11-1369, 11-1371, 11-1372, 11-1373,  
11-1374, 11-1375, 11-1376, 11-1377,  
11-1378, 11-1379, 11-1380, 11-1381,  
11-1382, 11-1383, 11-1384, 11-1385,  
11-1386, 11-1387, 11-1388, 11-1389,  
11-1390, 11-1391, 11-1392, 11-1393,  
11-1394, 11-1395

**BEFORE:** Rogers, Garland, and Brown, Circuit Judges

## **ORDER**

Upon consideration of the proposed briefing formats and schedules; and the motions by Wisconsin Petitioners, East Kentucky Power Cooperative, Inc., and the State of New York and City of New York to file separate briefs, it is

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**ORDERED** that the motions to file separate briefs be denied. It is

**FURTHER ORDERED** that petitioners' request to bifurcate briefing be denied. It is

**FURTHER ORDERED** that the following briefing format and schedule will apply in these consolidated cases:

Briefs for Petitioners (no more than two briefs, not to exceed a combined total of 28,000 words)	February 9, 2012
Joint Brief for Intervenors and Amicus Curiae in Support of Petitioners (not to exceed 7,000 words)	February 14, 2012
Brief for Respondent (not to exceed 28,000 words)	March 1, 2012
Briefs for Intervenors Supporting Respondent (no more than three briefs, not to exceed a combined total of 14,000 words)	March 6, 2012
Reply Briefs of Petitioners (no more than two briefs, not to exceed a combined total of 14,000 words)	March 12, 2012
Deferred Appendix	March 14, 2012
Final Briefs	March 16, 2012

Should petitioners desire to expand the briefing format and schedule, they may move to lift the stay currently in effect.

The parties will be informed by separate order of the date of oral argument and the composition of the merits panel. The court reminds the parties that

In cases involving direct review in this court of administrative actions, the

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brief of the appellant or petitioner must set forth the basis for the claim of standing. . . . When the appellant's or petitioner's standing is not apparent from the administrative record, the brief must include arguments and evidence establishing the claim of standing.

See D.C. Cir. Rule 28(a)(7).

Parties are strongly encouraged to hand deliver the paper copies of their briefs to the Clerk's office on the date due. Filing by mail may delay the processing of the brief. Additionally, counsel are reminded that if filing by mail, they must use a class of mail that is at least as expeditious as first-class mail. See Fed. R. App. P. 25(a). All briefs and appendices must contain the date that the case is scheduled for oral argument at the top of the cover. See D.C. Cir. Rule 28(a)(8).

## Per Curiam

**FOR THE COURT:**

Mark J. Langer, Clerk

BY: /s/  
Lynda M. Flippin  
Deputy Clerk