

ORAL ARGUMENT NOT YET SCHEDULED**IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

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TRUCK TRAILER	)	
MANUFACTURERS	)	
ASSOCIATION, INC., <i>et al.</i> ,	)	
	)	
<i>Petitioners,</i>	)	
	)	
v.	)	Consolidated Case
	)	Nos. 16-1430, 16-1447
UNITED STATES	)	
ENVIRONMENTAL PROTECTION	)	
AGENCY, <i>et al.</i> ,	)	
	)	
<i>Respondents.</i>	)	
_____	)	

**INTERVENOR PUBLIC HEALTH AND ENVIRONMENTAL  
ORGANIZATIONS' MOTION FOR A ONE-WEEK EXTENSION OF TIME  
TO RESPOND TO MOTION FOR STAY**

Pursuant to D.C. Circuit Rule 27(h), Intervenor Public Health and Environmental Organizations (“Environmental Intervenors”) respectfully request a one-week extension of time (until October 12, 2017) to file their response to Petitioner Truck Trailer Manufacturers Association, Inc.’s (“TTMA”) motion for a stay. TTMA opposes this request. Respondent Environmental Protection Agency (“EPA”) does not oppose this request. Intervenor California Air Resources Board and the States of Connecticut, Iowa, Massachusetts, Oregon, Rhode Island, Vermont, and Washington consent to this request.

In support of this motion, Environmental Intervenors state as follows:

- (1) On October 25, 2016, EPA finalized a rule entitled “Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles—Phase 2,” published at 81 Fed. Reg. 73,478 (“Phase 2 Rule”). The Phase 2 Rule establishes standards to reduce greenhouse gas emissions and improve fuel economy for model year 2018-2027 vehicles. *Id.* at 73,481.
- (2) Approximately nine months ago, on December 22, 2016, TTMA filed a petition for review of the Phase 2 Rule in this Court (No. 16-1430). ECF 1652784.
- (3) On January 23, 2017, Environmental Intervenors filed an amended motion to intervene. ECF 1656997. The Court granted that motion on March 10, 2017. ECF 1665427.
- (4) Also on January 23, 2017, the Court issued a scheduling order, which set a deadline for procedural motions of February 22, 2017. ECF 1656961.  
Under this Court’s Rules, procedural motions include motions for stay. D.C. Circuit Handbook of Practice and Internal Procedures VIIA.
- (5) Beginning on April 20, 2017, EPA filed a series of motions to hold this case in abeyance. ECF 1672024 (April 20, 2017) (90-day extension), ECF 1685013 (July 20, 2017) (4-week extension); ECF 1689310 (Aug. 17, 2017)

- (4-week extension). TTMA either only partially opposed or did not oppose those motions. ECF 1672207 (Apr. 21, 2017) (partial opposition); ECF 1685215 (July 20, 2017) (non-opposition); ECF 1689310 (Aug. 17, 2017) (non-opposition). The Court granted the motions, ECF 1674238 (May 8, 2017); ECF 1686816 (Aug. 1, 2017); ECF 1689604 (Aug. 21, 2017).
- (6) On September 18, 2017, EPA filed a motion asking the Court to hold the case in abeyance pending completion of EPA's administrative reconsideration of the Phase 2 Rule. TTMA opposed the request and stated that it intended to file a motion for stay "within the next week." ECF 1693481 (Sept. 18, 2017).
- (7) On September 25 at 8:30pm, TTMA filed the instant motion for a stay, along with six declarations, encompassing 45 pages of new factual averments. ECF 1694522.
- (8) Environmental Intervenors' response is currently due on October 5, 2017. Environmental Intervenors now request a one-week extension of time, which would cause their response to be due on October 12, 2017.
- (9) This extension is necessary in order for Environmental Intervenors to respond to TTMA's extensive new factual averments. In order to properly respond, Environmental Intervenors need to work with declarants outside of their organizations, and many of those declarants are not able to turn around

fulsome responsive declarations in the ten days permitted as a default under the Court's rules. Notably, Respondent EPA indicated that it has not yet decided whether to oppose TTMA's motion, and so Intervenors may be the only parties opposing the stay.

- (10) Environmental Intervenors have endeavored to request the minimum amount of time necessary to properly respond to TTMA's motion for stay and extensive declarations, and seek only a modest extension of time. By comparison, TTMA has had at least nine months to develop its motion and factual averments, and has been contemplating such a filing since at least April of this year. *See* ECF 1672207 at 4.

For the foregoing reasons, Environmental Intervenors respectfully request that this Court grant their motion for a one-week extension to file their response to TTMA's motion for a stay.

DATED: September 28, 2017

Respectfully submitted,

*/s/ Benjamin Longstreth*

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**CERTIFICATE OF SERVICE**

I hereby certify that I have served the foregoing **Motion for a One-Week Extension of Time to Respond to Motion for Stay** on all parties through the Court's electronic case filing (ECF) system.

DATED: Sept. 28, 2017

/s/ Susannah L. Weaver

Susannah L. Weaver