

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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ENVIRONMENTAL DEFENSE FUND,)		
et al.,)		
)		
Petitioners,)	No. 18-1190, consolidated with	
)	No. 18-1192	
v.)		
)		
ENVIRONMENTAL PROTECTION)		
AGENCY,)		
)		
Respondents.)		
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UNOPPOSED MOTION TO AMEND BRIEFING SCHEDULE AND FOR
WORD LIMIT EXTENSION

Respondent United States Environmental Protection Agency (“EPA”) moves for an extension of three business days, to Monday, July 30, 2018, at 4:00 p.m., to file its response to two Emergency Motions for Stay or Summary Disposition, one filed in No. 18-1190 on July 17, 2018, and one filed in 18-1192 on July 19, 2018. EPA also moves for leave to file a combined response to both motions, not to exceed 7800 words. Undersigned counsel for EPA conferred with Petitioners in Nos. 18-1190 and 18-1192, and Petitioners in both cases consent to this relief, conditioned upon the Petitioners receiving an extension to 4:00 p.m. on August 3, 2018, to file their replies.

In support of its motion, EPA states:

1. Petitioners in No. 18-1190, Environmental Defense Fund, Center for Biological Diversity, and Sierra Club (“Environmental Petitioners”), filed an emergency motion under Cir. Rule 18, seeking to stay or for summary disposition of a July 6, 2018, EPA memorandum entitled “Conditional No Action Assurance Regarding Small Manufacturers of Glider Vehicles.” Environmental Petitioners also sought an administrative stay from this Court, while the Court considers the emergency motion.

2. On July 18, 2018, the Court granted the request for an administrative stay, pending further order of the Court, and ordered EPA to file its response to the emergency motion by 4:00 p.m. on July 25, by hand delivery, with any reply due by 4:00 p.m. on July 27, by hand delivery.

3. On July 19, 2018, sixteen States and state agencies and the District of Columbia (“State Petitioners”) filed a separate petition, No. 18-1192, and a similar emergency motion, also seeking to stay or for summary disposition of EPA’s July 6 memorandum. The Court consolidated Nos. 18-1190 and 18-1192 on July 19.

4. EPA requests leave to file a single combined response to both motions, of no more than 7800 words. EPA also requests leave to file that

combined response by hand by 4:00 p.m. on July 30, an extension of three business days from the Court's July 18 order.

5. Environmental Petitioners and State Petitioners consent to these requests, on the condition that they have until 4:00 p.m. on August 3, to file their separate replies in support of their motions.

6. No party is aware of anyone else who intends to seek to participate in the motion practice, and Petitioners' consent to this motion is predicated on the understanding that no one else moves to participate in the motion practice.

Therefore, the Court should grant the unopposed motion and extend to Monday, July 30, 2018, at 4:00 p.m., EPA's deadline to file a combined response of not more than 7800 words to the two emergency motions, and extend to 4:00 p.m. on August 3 the Petitioners' deadline to file their respective replies.

Respectfully submitted,

JEFFREY H. WOOD
Acting Assistant Attorney General

DANIEL R. DERTKE, Sr. Attorney
U.S. Department of Justice
Environment & Natural Resources Div.
Environmental Defense Section
P.O. Box 7611
Washington, D.C. 20044--7611
(202) 514-0994

OF COUNSEL:

ANDREA CARRILLO
Office of General Counsel, U.S. EPA
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460

July 20, 2018

CERTIFICATE OF SERVICE

I certify that on this 20th day of July, 2018, the foregoing UNOPPOSED MOTION TO AMEND BRIEFING SCHEDULE AND FOR WORD LIMIT EXTENSION was served electronically via the Court's CM/ECF system upon counsel of record.

/s/ Daniel R. Dertke
DANIEL R. DERTKE