

ORAL ARGUMENT NOT YET SCHEDULED

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

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|---|---|-------------|
| American Lung Association, <i>et al.</i> , |) | |
| |) | |
| <i>Petitioners,</i> |) | |
| |) | No. 19-1140 |
| v. |) | |
| |) | |
| U.S. Environmental Protection Agency, <i>et al.</i> |) | |
| |) | |
| <i>Respondents.</i> |) | |

**MOTION OF PUBLIC HEALTH PETITIONERS
TO COORDINATE DEADLINES**

Counsel for the undersigned Petitioners, American Lung Association and American Public Health Association (Public Health Petitioners) have conferred with counsel for Respondent U.S. Environmental Protection Agency (EPA), the only other party presently in this case, and they have indicated that EPA takes no position on this motion; and have notified counsel for Movant-Intervenors National Rural Electric Cooperative.

This case involves a petition, filed July 8, 2019, for review of a final rule promulgated by EPA and entitled “Repeal of the Clean Power Plan; Emission Guidelines for Greenhouse Gas Emissions From Existing Electric Utility Generating Units; Revisions to Emission Guidelines Implementing Regulations,”

84 Fed. Reg. 32,520 (the Rule). On July 9, 2019, the Court entered an Order setting a deadline of August 8, 2019 for Public Health Petitioners to file initial submissions (e.g. docketing statement, procedural motions, statement of issues, etc.). ECF No. 1796320. The Order also established a deadline of August 23, 2019 for dispositive motions.

Under the Clean Air Act, petitions for review of this final agency action must be filed with this Court by September 6, 2019 - “sixty days from the date notice of [the] ... action appear[ed] in the Federal Register.” 42 U.S.C. § 7607(b)(1); *see also* 84 Fed. Reg. at 32,521/3. Public Health Petitioners are aware of the intense interest in this matter and of the number of petitions that have previously been filed in related and comparable rulemakings. We anticipate that multiple additional petitions will be filed by September 6, 2019, each creating its own set of deadlines.

Public Health Petitioners respectfully request that, to conserve judicial and party resources in what is expected to be a complex matter, the deadlines for initial submissions, procedural motions and dispositive motions for this case, and any forthcoming petitions filed for review of the Rule, should be aligned. Such deadlines should be keyed to the statutory final petition deadline of September 6, 2019, as follows:

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| Certificate as to Parties, Rulings, and Related Cases | October 7, 2019 |
| Docketing Statement Form | October 7, 2019 |
| Procedural motions, if any | October 7, 2019 |
| Statement of Intent to Utilize Deferred Joint Appendix | October 7, 2019 |
| Statement of Issues to be Raised | October 7, 2019 |
| Underlying Decision from Which Appeal or Petition Arises | October 7, 2019 |
| Certified Index to the Record | October 21, 2019 |
| Dispositive Motions, if any | October 21, 2019 |

Dated: August 1, 2019

Respectfully submitted,

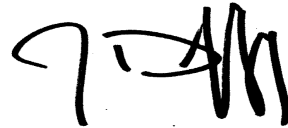


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CERTIFICATE OF SERVICE

Pursuant to Rule 25 of the Federal Rules of Appellate Procedure and Circuit Rule 25(c), I hereby certify that, on this 1st day of August 2019, I caused the foregoing **Unopposed Motion of Public Health Petitioners to Coordinate Deadlines** to be electronically filed with the Clerk of the Court by using the Court's CM/ECF system. All registered CM/ECF users will be served by the Court's CM/ECF system.



James P. Duffy