

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 19-1140

September Term, 2019

EPA-84FR32520

Filed On: January 31, 2020

American Lung Association and American
Public Health Association,

Petitioners

v.

Environmental Protection Agency and
Andrew Wheeler, Administrator,

Respondents

AEP Generating Company, et al.,
Intervenors

Consolidated with 19-1165, 19-1166,
19-1173, 19-1175, 19-1176, 19-1177,
19-1179, 19-1185, 19-1186, 19-1187,
19-1188

BEFORE: Henderson and Srinivasan, Circuit Judges

ORDER

Upon consideration of the proposed briefing formats and schedules, it is

ORDERED that the following briefing format and schedule will apply in these consolidated cases.

Briefs for Coordinating Petitioners
(no more than four briefs, not to exceed
a combined total of 32,000 words) March 27, 2020

Brief for Biogenic CO₂ Coalition
(not to exceed 7,800 words) March 27, 2020

Brief for Coal Industry Petitioners
(not to exceed 8,500 words) March 27, 2020

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Brief for <u>Robinson</u> Petitioners (not to exceed 4,500 words)	March 27, 2020
Brief(s) of Amici Curiae for Petitioners (each brief not to exceed 6,500 words)	April 3, 2020
Brief for Respondents (not to exceed 52,800 words)	May 26, 2020
Brief(s) of Amici Curiae for Respondents (each brief not to exceed 6,500 words)	June 2, 2020
Briefs for Coordinating Petitioners as Intervenors for Respondents (no more than two briefs, not to exceed a combined total of 14,560 words)	June 25, 2020
Briefs for Industry & State Intervenors as Intervenors for Respondents (no more than two briefs, not to exceed a combined total of 17,900 words)	June 25, 2020
Brief for the State of North Dakota as Intervenor for Respondents (not to exceed 4,500 words)	June 25, 2020
Reply Briefs for Coordinating Petitioners (no more than four briefs, not to exceed a combined total of 16,000 words)	July 9, 2020
Reply Brief for Biogenic CO ₂ Coalition (not to exceed 3,900 words)	July 9, 2020
Reply Brief for Coal Industry Petitioners (not to exceed 4,250 words)	July 9, 2020
Reply Brief for <u>Robinson</u> Petitioners (not to exceed 2,250 words)	July 9, 2020
Deferred Appendix	July 23, 2020

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Final Briefs

July 30, 2020

The parties will be informed later of the date of oral argument and the composition of the merits panel.

All issues and arguments must be raised by petitioners in the opening brief. The court ordinarily will not consider issues and arguments raised for the first time in the reply brief.

The court reminds the parties that

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

To enhance the clarity of their briefs, the parties are urged to limit the use of abbreviations, including acronyms. While acronyms may be used for entities and statutes with widely recognized initials, briefs should not contain acronyms that are not widely known. See D.C. Circuit Handbook of Practice and Internal Procedures 43 (2019); Notice Regarding Use of Acronyms (D.C. Cir. Jan. 26, 2010).

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/
Manuel J. Castro
Deputy Clerk