

**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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**No. 15-1381****September Term, 2015****EPA-80FR64509****EPA-80FR64510****Filed On:** March 24, 2016

State of North Dakota,

Petitioner

v.

Environmental Protection Agency,

Respondent

-----  
State of New Mexico, et al.,  
Intervenors  
-----Consolidated with 15-1396, 15-1397,  
15-1399, 15-1434, 15-1438, 15-1448,  
15-1456, 15-1458, 15-1463, 15-1468,  
15-1469, 15-1480, 15-1481, 15-1482,  
15-1484**BEFORE:** Henderson and Millett, Circuit Judges**ORDER**

Upon consideration of the motion to sever, hold in abeyance, and consolidate, the response thereto, and the reply; and the proposed briefing formats and schedules, it is

**ORDERED** that No. 15-1480, Biogenic CO2 Coalition v. EPA, be severed and held in abeyance pending further order of the court, and that the request to consolidate it with No. 15-1478 et al., National Alliance of Forest Owners v. EPA, be denied without prejudice. Respondent is directed to file status reports in No. 15-1480 at 120-day intervals beginning 120 days from the date of this order. The parties are directed to file

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motions to govern further proceedings in No. 15-1480 within 30 days of the resolution of the agency proceedings. It is

**FURTHER ORDERED** that any petitioners or intervenors in North Dakota v. EPA, No. 15-1381, et al., who wish to intervene in No. 15-1480 are directed to file in No. 15-1480 a motion to intervene within 30 days of the date of this order and to indicate which party the intervenor supports. It is

**FURTHER ORDERED** that the following briefing format and schedule will apply in No. 15-1381, et al.:

Brief for Petitioner State of North Dakota (not to exceed 4,000 words)	July 15, 2016
Brief for State Petitioners (not to exceed 8,000 words)	July 15, 2016
Brief for Non-State Petitioners (not to exceed 16,000 words)	July 15, 2016
Brief for Petitioner-Intervenors (not to exceed 7,000 words)	July 25, 2016
Brief for Respondent (not to exceed 28,000 words)	September 23, 2016
Briefs for Respondent-Intervenors (no more than three briefs, not to exceed a combined total of 12,000 words)	September 30, 2016
Reply Brief for Petitioner State of North Dakota (not to exceed 2,000 words)	October 21, 2016
Reply Brief for State Petitioners (not to exceed 4,000 words)	October 21, 2016
Reply Brief for Non-State Petitioners (not to exceed 8,000 words)	October 21, 2016

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Deferred Appendix

November 4, 2016

Final Briefs

November 14, 2016

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).

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.

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 41 (2016); Notice Regarding Use of Acronyms (D.C. Cir. Jan. 26, 2010).

Parties are strongly encouraged to hand deliver the paper copies of their final 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/  
Robert J. Cavello  
Deputy Clerk

**United States Court of Appeals**District of Columbia Circuit  
Washington, D.C. 20001-2866Mark J. Langer  
ClerkGeneral Information  
(202) 216-7000**NOTICE TO COUNSEL:  
SCHEDULING ORAL ARGUMENT**

The court has entered an order setting a briefing schedule in a case in which you are counsel of record. Once a briefing order has been entered, the case may be set for oral argument. Typically, the argument date will be a minimum of 45 days after briefing is completed.

You will be notified by separate order of the date and time of oral argument. Once a case has been calendared, the Clerk's Office cannot change the argument date, and the court will not ordinarily reschedule it. Any request to reschedule must be made by motion, which will be presented to a panel of the court for disposition. The court disfavors motions to postpone oral argument and will grant such a motion only upon a showing of "extraordinary cause." See D.C. Cir. Rule 34(g).

If you are the arguing counsel and you know you will be unavailable to appear for oral argument on a date in the future, so advise the Clerk's Office by letter, filed electronically, with a copy to opposing counsel. The notification should be filed as soon as possible and updated if a potential scheduling conflict later arises or if there is any change in availability. To the extent possible, the Clerk's Office will endeavor to schedule oral argument to avoid conflicts that have been brought to the court's attention in advance.

Counsel must notify the Clerk as soon as settlement negotiations begin, when settlement of the case becomes likely, and when settlement is reached. This notice allows for more efficient allocation of judicial resources. Additionally, counsel should promptly notify the Clerk if settlement negotiations are terminated. Notice must be given in an appropriate motion or by letter to the Clerk at the earliest possible moment.