

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 16-1127

September Term, 2016

EPA-81FR24420

Filed On: October 14, 2016

Murray Energy Corporation,

Petitioner

v.

Environmental Protection Agency and Gina
McCarthy,

Respondents

American Lung Association, et al.,
Intervenors

Consolidated with 16-1175, 16-1204,
16-1206, 16-1208, 16-1210

BEFORE: Rogers, Srinivasan, and Wikins, Circuit Judges

ORDER

Upon consideration of Respondents' and Intervenor-Respondents' joint proposed briefing format and schedule, and State and Industry Petitioners' proposed briefing format and schedule, it is

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

Brief(s) of State and Industry Petitioners
(not to exceed 18,000 words in the
aggregate, divided as petitioners see fit) November 18, 2016

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Brief of Respondents
(not to exceed 18,000 words) January 19, 2017

Brief(s) of Respondent-Intervenors
(not to exceed 11,250 words in the
aggregate, divided as intervenors see fit) February 10, 2017

Reply Brief(s) of State and Industry Petitioners
(not to exceed 9,000 words in the
aggregate, divided as petitioners see fit) February 24, 2017

Deferred Appendix March 10, 2017

Final Briefs March 24, 2017

The Clerk is directed to schedule these consolidated cases for argument on the first appropriate date following the completion of briefing. 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 briefs. 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 41 (2016); Notice Regarding Use of Acronyms (D.C. Cir. Jan. 26, 2010).

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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/

Michael C. McGrail
Deputy Clerk