

United States District Court
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SIERRA CLUB, *et al.*,

No. C 13-3953 SI

Plaintiffs,

**ORDER RE: MOTIONS SET FOR
OCTOBER 17, 2014 AND CONTINUING
OCTOBER 17, 2014 HEARING TO
OCTOBER 31, 2014**

v.

REGINA MCCARTHY, in her official capacity
as Administrator of the United States
Environmental Protection Agency,

Defendant.

The Court has received a number of filings regarding matters set for hearing on October 17, 2014. First, plaintiffs object to intervenor North Carolina’s “Notice of Hearing on Remedy” setting October 17, 2014 as the date for the Court to hear argument on the remedy. Plaintiffs argue that the Court must first consider the “threshold” joint motion to enter the proposed consent decree, which is also set for October 17, 2014. North Carolina responds, *inter alia*, that the briefing on the remedy is already complete and that the remedy briefing addresses the same or similar issues as those raised in the joint motion to enter the consent decree. The Court finds it is appropriate to consider both matters at the same hearing and that there is no prejudice to any party as the remedy briefing has been long completed.

Second, on September 12, 2014, the National Environmental Development Association’s Clean Air Project and the Texas SO2 Working Group filed a motion for leave to file an amicus brief regarding the joint motion to enter the proposed consent decree. The proposed amicus brief argues that this Court

1 lacks jurisdiction to enter the proposed consent decree. Plaintiffs oppose this Court's consideration of
2 the brief, while defendant and North Carolina do not oppose the filing of the amicus brief. Although
3 the Court agrees with the parties that the National Environmental Development Association's Clean Air
4 Project and the Texas SO2 Working Group have not explained why they waited until this late date to
5 raise the jurisdictional issue, the Court will permit the filing of the amicus brief. The Court will permit
6 the parties and intervenors to file responses to the amicus brief no later than **October 10, 2014**. Amici
7 shall file the proposed amicus brief no later than **October 2, 2014**.

8 The October 17, 2014 hearing is continued until **October 31, 2014** at **9:00 a.m.**

9 **The Court hereby informs all interested parties that this matter has been pending for some**
10 **time and no further amicus briefs regarding the pending motions will be accepted for filing.**

11 This order resolves Docket No. 139.

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13 **IT IS SO ORDERED.**

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15 Dated: September 30, 2014



16 SUSAN ILLSTON
17 United States District Judge