

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

WILDEARTH GUARDIANS,

Plaintiff,

vs.

LISA JACKSON, in her official capacity as
Administrator of the Environmental Protection
Agency,
Defendant.**Case No.: 11-cv-5651-YGR
(and consolidated action 11-cv-5694 YGR)****ORDER GRANTING MOTION FOR
RECONSIDERATION OF REQUEST TO ENTER
JUDGMENT ON CERTAIN CLAIMS PER FRCP
54(A)**

On June 14, 2012 this Court entered an Order in the above captioned litigation Denying Request pursuant to Stipulation for Entry of Partial Final Judgment on Plaintiff's PSD Claims ("Order") (Dkt. No. 47), including Claim Two of Plaintiffs MidWest Environmental Defense Center and Sierra Club's Second Amended Complaint (Dkt. No. 30) and Claim One of Plaintiff WildEarth Guardians' Complaint (Dkt. No. 1). The Order was in response to Plaintiffs' and EPA's Stipulation and Proposed Order Entering Final Judgment on Plaintiffs' PSD Claims (Stipulation) (Dkt. No. 46).

Plaintiffs Sierra Club and Midwest Environmental Defense Center (MEDC) moved for reconsideration of this Order. (Dkt. No. 48.)¹


¹ The Court notes that the request for reconsideration was not made consistent with Civil Local Rule 7-9. However, in the interests of justice and given Defendants' lack of opposition to the request itself, the Court proceeds to decide the matter without a hearing. Therefore, the hearing set for July 24, 2012, is VACATED.

1 After consideration of the arguments submitted by the parties regarding the motion to
2 reconsider, and the Court finding no just reason for delay, the Court will grant the motion. It is
3 therefore ORDERED that Plaintiffs' Motion for Reconsideration of June 14, 2012 Order is
4 GRANTED. Pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, the Court will enter
5 judgment as to Claim Two of Midwest Environmental Defense and Sierra Club's Second
6 Amended Complaint and Claim One of WildEarth Guardians' Complaint.
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8 This order terminates Dkt. No. 48.

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10 **IT IS SO ORDERED.**

11 Date: July 12, 2012

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14 YVONNE GONZALEZ ROGERS
15 UNITED STATES DISTRICT COURT JUDGE
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