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20 **IN THE UNITED STATES DISTRICT COURT**
FOR THE NORTHERN DISTRICT OF CALIFORNIA
 21 **OAKLAND DIVISION**

22 STATE OF CALIFORNIA, *et al.*

23 Plaintiffs,

24 v.

25 UNITED STATES ENVIRONMENTAL
 26 PROTECTION AGENCY, *et al.*,

27 Defendants.
 28

Case No. 4:18-cv-03237-HSG

**JOINT STIPULATION REGARDING
 BRIEFING SCHEDULE FOR EPA'S
 MOTION TO STAY CASE PENDING
 CONCLUSION OF RULEMAKING**

JOINT STIPULATION REGARDING BRIEFING SCHEDULE FOR
 DEFENDANT'S MOTION TO STAY CASE PENDING CONCLUSION OF RULEMAKING
 CASE NO. 4:18-CV-03237-HSG

1 Pursuant to Civil L.R. 7-12, Plaintiffs States of California, by and through the
2 Attorney General and the California Air Resources Board; Illinois; Maryland; New
3 Mexico; Oregon; Rhode Island; and Vermont; and the Commonwealth of Pennsylvania,
4 by and through the Attorney General and the Pennsylvania Department of Environmental
5 Protection (hereinafter “States”), and Defendants United States Environmental Protection
6 Agency and Andrew R. Wheeler, in his official capacity as Acting Administrator of the
7 EPA (“EPA”), hereby stipulate to and respectfully request that the Court enter an order
8 setting a briefing schedule for EPA’s motion to stay this case pending conclusion of
9 rulemaking. In support of this stipulation, the parties state as follows:

10 1. At hearing on October 25, 2018, the Court heard EPA’s motion to dismiss
11 the States’ complaint (Dkt. No. 28), as well as the motion of proposed Plaintiff Intervenor
12 Environmental Defense Fund to intervene in the matter (Dkt. No. 36). The Court has not
13 yet ruled on either motion.

14 2. On November 6, 2018, EPA moved to stay the case pending conclusion of
15 a related rulemaking (Dkt. No. 70).

16 3. The parties respectfully request that the Court set the following briefing
17 schedule for the motion to stay, which takes into account Plaintiffs’ intention to file its
18 response earlier than required by Civil L.R. 7-3(a):

<u>Document</u>	<u>Due Date</u>
States’ Opposition to EPA’s Motion	On or before November 13, 2018
EPA’s Reply in Support of its Motion	November 16, 2018 if the States’ brief is filed on November 9, 2018 and November 20, 2018 if the States’ brief is filed on November 13, 2018

1 4. The States assert that time is of the essence in deciding this motion and
2 thus intend to request that the Court decide the motion on the papers or, in the event the
3 Court believes a hearing is necessary, to hear the motion as soon as possible.

4 The parties stipulate to and request that the Court enter the attached proposed
5 order.

6
7 Respectfully submitted,

8 Date: November 6, 2018

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[PROPOSED] ORDER


BEFORE THE COURT is the Joint Stipulation Regarding Briefing Schedule for EPA’s Motion to Stay Case Pending Conclusion of Rulemaking submitted by Plaintiffs States of California, by and through the Attorney General and the California Air Resources Board; Illinois; Maryland; New Mexico; Oregon; Rhode Island; and Vermont; and the Commonwealth of Pennsylvania, by and through the Attorney General and the Pennsylvania Department of Environmental Protection (“States”), and Defendants United States Environmental Protection Agency and Andrew R. Wheeler, in his official capacity as Acting Administrator of the EPA (“EPA”).

Having reviewed the stipulation, it is HEREBY ORDERED that EPA’s Motion to Stay Case Pending Conclusion of Rulemaking (Dkt. No. 70) shall be briefed in accordance with the following schedule:

<u>Document</u>	<u>Due Date</u>
States’ Opposition to EPA’s Motion	On or before November 13, 2018
EPA’s Reply in Support of its Motion	November 16, 2018 (if the States’ brief is filed on November 9, 2018) or November 20, 2018 (if the States’ brief is filed on November 13, 2018)

IT IS SO ORDERED.

Dated: November 7, 2018


 HAYWOOD S. GILLIAM, JR.
 UNITED STATES DISTRICT JUDGE