

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 1:13-cv-03457-JLK

WILDEARTH GUARDIANS,

Plaintiff,

v.

GINA MCCARTHY, in her official capacity as Administrator of the Environmental
Protection
Agency,

Defendant.

ORDER REGARDING PROPOSED CONSENT DECREE

Kane, J.

I am inclined to enter the parties' proposed Consent Decree, Doc. 9-1, as drafted,
except for the following language on page 2:

“WHEREAS, Guardians and EPA have agreed to a settlement of this case without
any admission of any issue of fact or law...”

The parties are ordered to explain, on or before August 4, 2014, why this provision
is justified. I strictly adhere to Federal Rule of Civil Procedure 52(a)(1), which states:

In General. In an action tried on the facts without a jury or with an
advisory jury, the court must find the facts specially and state its

conclusions of law separately. The findings and conclusions may be stated on the record after the close of the evidence or may appear in an opinion or a memorandum of decision filed by the court. Judgment must be entered under Rule 58.

The parties' proposed language omitting any admission of any issue of fact or law does not permit me to make findings of fact and conclusions of law.

DATED: July 23, 2014

BY THE COURT:

s/John L. Kane

John L. Kane, U.S. Senior District Judge