

**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.

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**SECOND ORDER REGARDING PROPOSED CONSENT DECREE**

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Kane, J.

I will not give judicial imprimatur to a consent decree that binds a public agency without first ascertaining whether that consent decree is fair, reasonable and in the public interest. *See SEC v. Citigroup Global Mkts., Inc.*, 752 F.3d 285, 287 (2d Cir.2014). Where parties submit a proposed consent decree that eschews any admission of fact or law and have not otherwise made any facts available, I am not able to make that determination. The parties are ordered to explain, by or on September 3, 2014, why their Proposed Consent decree meets the criteria set forth above.

DATED: August 20, 2014

BY THE COURT:

*s/John L. Kane*  
John L. Kane, U.S. Senior District Judge