

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

SIERRA CLUB,

Plaintiff,

v.

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

Defendant.

Civil Action No. 15-2264 (CKK)

ORDER

(April 11, 2016)

Plaintiff Sierra Club filed this action to compel the Administrator of the United States Environmental Protection Agency to take certain actions mandated by the Clear Air Act, 42 U.S.C. § 7401 *et seq.* The agency has now taken those actions. *See* Def.'s [12] Notice (citing *Findings of Failure to Submit State Implementation Plans Required for Attainment of the 2010 1-Hour Primary Sulfur Dioxide National Ambient Air Quality Standard (NAAQS)*, 81 Fed. Reg. 14,736 (Mar. 18, 2016)). The parties now agree that the claims in this case are moot as a result of those actions. *See* Pl.'s [13] Response to Def.'s Mot. to Dismiss Complaint as Moot. Both parties request that the Court dismiss this case as moot. They also jointly request a 60-day period to attempt to resolve by negotiation Plaintiff's request for attorneys' fees and costs before filing any such motion in this Court.

For these reasons, its hereby **ORDERED** that Defendant's [11] Motion to Dismiss Complaint as Moot is **GRANTED**. The Complaint is **DISMISSED AS MOOT**, and this action is **DISMISSED** in its entirety.

It is further **ORDERED** that the deadline to file a motion for costs of litigation (including attorneys' fees) for activities performed during the course of this litigation is hereby set for **June 13, 2016**.

It is further **ORDERED** that the parties shall seek to resolve informally any claim for costs of litigation (including attorneys' fees) during that time, and, if they cannot do so, Plaintiff shall file any motion requesting costs and attorneys' fees by no later than **June 13, 2016**.

SO ORDERED.

This is a final, appealable order.

/s/
COLLEEN KOLLAR-KOTELLY
United States District Judge