

**APPLICATION GRANTED****SO ORDERED****VERNON S. BRODERICK****U.S.D.J.** 1/18/2023

Parties shall submit a joint status letter by February 8, 2023. The Court shall defer any ruling on pending motions until February 10, 2023.

BY ECF

The Honorable Vernon S. Broderick
United States District Judge
United States Courthouse
40 Foley Square
New York, New York 10007

Re: *Riverkeeper, Inc. v. Regan*, No. 17 Civ. 4916 (VSB)

Dear Judge Broderick:

On behalf of defendants and with the consent of all parties, I write to provide the Court a status update as provided in the Court's endorsed order dated November 15, 2022 [ECF No. 190]. Since November 15, the parties have continued their discussions regarding intervenor-defendant New York State Department of Environmental Conservation's ("NYSDEC") advanced notice of proposed rulemaking, which was referenced in defendants' August 10, 2022 letter to the Court [ECF Nos. 184]. NYSDEC is continuing to work on updates to New York State's water quality standard regulations and waterbody classifications, and intends to issue a notice of proposed rulemaking by March 2023.

To facilitate these ongoing discussions, defendants respectfully request that the Court continue to hold in abeyance any action on the parties' pending cross-motions for summary judgment and NYSDEC's motion to amend its answer to assert a cross-claim against EPA [ECF Nos. 128, 150, 145, 154, 173], until **February 10, 2023**. Defendants further propose that the parties submit a joint status letter to the Court on or before **February 8, 2023**. This is the defendants' fourth request on consent for the Court to hold these motions in abeyance. Plaintiffs and intervenor-defendants NYSDEC and the City of New York consent to this request.

We thank the Court for its consideration of this request.

Hon. Vernon S. Broderick
January 17, 2023

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Respectfully,

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cc (via ECF): All counsel of record