

# United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

**No. 13-1108**

**September Term, 2016**

**EPA-77FR49490  
EPA-78FR58416  
EPA-79FR79018  
EPA-81FR35824**

**Filed On:** January 4, 2017

American Petroleum Institute, et al.,

Petitioners

v.

Environmental Protection Agency,

Respondent

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Virginia Oil & Gas Association, et al.,  
Intervenors

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Consolidated with 13-1289, 13-1290,  
13-1292, 13-1293, 13-1294

**No. 15-1040**

**EPA-79FR79018**

Independent Petroleum Association of  
America, et al.,

Petitioners

v.

Environmental Protection Agency,

Respondent

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Clean Air Council, et al.,  
Intervenors

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Consolidated with 15-1041, 15-1042,  
15-1043, 15-1044

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 13-1108

September Term, 2016

No. 16-1242

EPA-81FR35824

State of North Dakota,

Petitioner

v.

Environmental Protection Agency,

Respondent

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City of Chicago, et al.,  
Intervenors  
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Consolidated with 16-1257, 16-1262,  
16-1263, 16-1264, 16-1266, 16-1267,  
16-1269, 16-1270

**BEFORE:** Henderson, Tatel, and Srinivasan, Circuit Judges

**ORDER**

Upon consideration of the motions to govern future proceedings, the responses to State and Industry Petitioners' motion, and the reply; and the motion to consolidate, it is

**ORDERED** that the above-captioned cases be consolidated. It is

**FURTHER ORDERED** that the challenge to the 2012 new source performance standards brought by petitioners Natural Resources Defense Council, et al., be severed from the above-captioned cases, and assigned to a new docket, No. 16-1425, Natural Res. Def. Council v. EPA, and held in abeyance pending further order of the court. Any petitioner or intervenor in Nos. 13-1108, et al., who wishes to participate in No. 16-1425

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is directed to notify the court in writing within 30 days of the date of this order, and to indicate which party it supports. Parties in No. 16-1425 are directed to file motions to govern further proceedings within 30 days of this court's decision in Nos. 13-1108, et al. It is

**FURTHER ORDERED** that, within 30 days of the date of this order, the parties submit a proposed format and schedule for the briefing of all the issues in Nos. 13-1108, et al., without bifurcation of the issues. The parties are strongly urged to submit a joint proposal and are reminded that the court looks with extreme disfavor on repetitious submissions and will, where appropriate, require a joint brief of aligned parties with total words not to exceed the standard allotment for a single brief. Whether the parties are aligned or have disparate interests, they must provide *detailed* justifications for any request to file separate briefs or to exceed in the aggregate the standard word allotment. Requests to exceed the standard word allotment must specify the word allotment necessary for each issue.

**Per Curiam**