

ORAL ARGUMENT NOT YET SCHEDULED

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

AMERICAN LUNG ASSOCIATION,
et al.,

Petitioners,

Case No. 19-1140 (and
consolidated cases)

v.

UNITED STATES
ENVIRONMENTAL PROTECTION
AGENCY, *et al.*,

Respondents.

On Petition for Review of Final Action of the
United States Environmental Protection Agency

**NOTICE FOR VOLUNTARY WITHDRAWAL OF PETITION
IN CASE NO. 19-1189**

Pursuant to Federal Rule of Appellate Procedure 42(b), the State of Nevada hereby moves for Voluntary Dismissal of its petition in Case No. 19-1189.

Dated: October 4, 2019

Respectfully Submitted,

THE STATE OF NEVADA

AARON D. FORD
Attorney General

By: Heidi Parry Stern
HEIDI PARRY STERN
Solicitor General
Nevada Attorney General
555 E. Washington Ave, Ste 3900
Las Vegas, Nevada 89101
HStern@ag.nv.gov

CERTIFICATE OF COMPLIANCE

The foregoing motion complies with the type volume limitation of Rule 27(d)(2)(A) of the Federal Rules of Appellate Procedure because it contains 24 words, excluding parts exempted by Rule 32(f) of the Federal Rules of Appellate Procedure, according to the count of Microsoft Word. The foregoing motion also complies with Rules 27(d)(1)(E), 32(a)(5), and 32(a)(6) of the Federal Rules of Appellate Procedure because it has been prepared in 14-point Century Schoolbook type.

Dated: October 4, 2019

Respectfully submitted,

THE STATE OF NEVADA

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Attorney General

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CERTIFICATE OF PARTIES

Pursuant to Circuit Rules 27(a)(4) and 28(a)(1)(A), State of Nevada furnishes this list of parties, intervenors, and amici curiae that have appeared before this Court in Case No. 19-1140 (and consolidated cases).

Petitioners: The Petitioners are the American Lung Association and American Public Health Association (case no. 19-1140); States of New York, California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, New Mexico, North Carolina, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia, Washington, Wisconsin, District of Columbia, and Cities of Boulder, Chicago, Los Angeles, New York, Philadelphia, and South Miami (FL) (case no. 19-1165); Appalachian Mountain Club, Center for Biological Diversity, Clean Air Council, Clean Wisconsin, Conservation Law Foundation, Environmental Defense Fund, Environmental Law and Policy Center, Minnesota Center for Environmental Advocacy, Natural Resources Defense Council, and Sierra Club (case no. 19-1166); Chesapeake Bay Foundation, Inc. (case no. 19-1173); The North American Coal Corporation (case no. 19-1179); Robinson Enterprises, Inc., (case no. 19-1175); Westmoreland Mining

Holdings, LLC (case no. 19-1176); Biogenic CO2 Coalition (case no. 19-1185); City and County of Denver (CO) (case no. 19-1177); Advanced Energy Economy (case no. 19-1186); American Wind Energy Association, (case no. 19-1187); Consolidated Edison, Inc., (case no. 19-1188).

Respondents: The Respondents in this Case are the United States Environmental Protection Agency and Andrew R. Wheeler, in his capacity as Administrator of the EPA.

Intervenors: Intervenors in this Case are the National Rural Electric Cooperative Association; the Chamber of Commerce of the United States of America; the National Mining Association; America's Power; Appalachian Power Company, Indiana Michigan Power Company, Kentucky Power Company, Public Service Company of Oklahoma, Southwestern Electric Power Company, AEP Generating Company, AEP Generation Resources Inc., and Wheeling Power Company; Westmoreland Mining Holding LLC; and Murray Energy Corporation.

Motions for leave to intervene have been filed by Wyoming, Utah, Texas, South Dakota, South Carolina, Oklahoma, Ohio, Nebraska, Montana, Missouri, Mississippi Public Service Commission, Phil Bryant,

Louisiana, Kentucky, Kansas, Indiana, Georgia, Arkansas, Alaska, Alabama, and West Virginia [ECF 1806337]; International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers, AFL-CIO [ECF 1806910]; International Brotherhood of Electrical Workers, AFL-CIO [ECF 1806911]; and United Mine Workers of America, AFL-CIO [ECF 1806915].

The State of Nevada is without knowledge as to whether these motions have been granted.

Amici Curiae: To the knowledge of Nevada, there are no amici curiae as of the time of this filing.

Dated: October 4, 2019

Respectfully Submitted,

THE STATE OF NEVADA

AARON D. FORD
Attorney General

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HEIDI PARRY STERN
Solicitor General
Nevada Attorney General
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Las Vegas, Nevada 89101
HStern@ag.nv.gov

CERTIFICATE OF SERVICE

I hereby certify that pursuant to Circuit Rule 15(a), a copy of the foregoing notice for voluntary withdrawal of petition in Case 19-1189 was served on October 4, 2019 by first class mail, postage prepaid on the following:

Andrew Wheeler, Administrator
Office of the Administrator (1101A)
Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460

Correspondence Control Unit
Office of General Counsel (2311)
1200 Pennsylvania Ave., NW
Washington, DC 20460

William Barr
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20460

/s/ Sandra Geyer _____
SANDRA GEYER, an employee of
Office of the Nevada Attorney General