

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

STATE OF CALIFORNIA, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. 1:19-cv-2826-KBJ
	)	
ELAINE L. CHAO, et al.,	)	
	)	
Defendants.	)	

ENVIRONMENTAL DEFENSE FUND, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. 1:19-cv-2907-KBJ
	)	
ELAINE L. CHAO, et al.,	)	
	)	
Defendants.	)	

**NOTICE OF INTENT TO FILE MOTION TO DISMISS**

Pursuant to the Court’s General Order and Guidelines Applicable to APA Cases, Defendants in these related cases intend to file a motion to dismiss both cases under Fed. R. Civ. P. 12(b)(1) for lack of jurisdiction and, in the alternative, to transfer them to the United States Court of Appeals for the D.C. Circuit pursuant to 28 U.S.C. § 1631.

Undersigned counsel for Defendants conferred with counsel for Plaintiffs and the parties jointly propose the following schedule:

1. Defendants will serve their motion to dismiss in each case on Tuesday, October 15, 2019.
2. Plaintiffs will serve their responses (one consolidated response for Plaintiffs in No. 1:19-cv-2826-KBJ and a separate consolidated response for Plaintiffs in No. 1:19-cv-2907-KBJ) on or before November 14, 2019.
3. Defendants will serve their reply (one consolidated response in support of Defendants' motion) on or before November 27, 2019.

Respectfully submitted,

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/s/ Daniel R. Dertke  
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OCTOBER 15, 2019  
90-5-2-4-21567

**CERTIFICATE OF SERVICE**

I hereby certify that on October 15, 2019, I electronically filed the foregoing Notice with the Clerk of the Court for the United States District Court for the District of Columbia by using the CM/ECF system.

The participants in the case are registered CM/ECF users and service will be accomplished by the CM/ECF system.

s/ Benjamin R. Carlisle