

FILED

UNITED STATES COURT OF APPEALS

OCT 31 2013

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

WASHINGTON ENVIRONMENTAL
COUNCIL and SIERRA CLUB,
Washington State Chapter,

Plaintiffs - Appellees,

v.

MAIA D. BELLON, Director of
Washington State Department of Ecology,
in her official capacity; et al.,

Defendants - Appellants.

No. 12-35323

D.C. No. 2:11-cv-00417-MJP
Western District of Washington,
Seattle

ORDER

WASHINGTON ENVIRONMENTAL
COUNCIL and SIERRA CLUB,
Washington State Chapter,

Plaintiffs - Appellees,

v.

MAIA D. BELLON; et al.,

Defendants,

and

WESTERN STATES PETROLEUM
ASSOCIATION,

Intervenor-Defendant -

No. 12-35324

D.C. No. 2:11-cv-00417-MJP
Western District of Washington,
Seattle

Appellant.

WASHINGTON ENVIRONMENTAL
COUNCIL and SIERRA CLUB,
Washington State Chapter,

Plaintiffs - Appellants,

v.

MARK ASMUNDSON, Director,
Northwest Clean Air Agency, in his
official capacity; et al.,

Defendants - Appellees,

and

WESTERN STATES PETROLEUM
ASSOCIATION,

Intervenor-Defendant.

No. 12-35358

D.C. No. 2:11-cv-00417-MJP
Western District of Washington,
Seattle

Before: M. SMITH, Circuit Judge:

This court's order of October 23, 2013 (Docket No. 66) is VACATED and SUPERCEDED as follows:

A judge of this court has called for a vote to determine whether this case will be reheard en banc under Federal Rule of Appellate Procedure 35(a).

The parties are directed to file simultaneous briefs setting forth their respective positions as to whether the case should be reheard en banc. The briefs

are to be no more than 15 pages in length and shall be filed within twenty-one (21) days of the date of this order.

Parties who are registered for ECF must file the supplemental brief electronically without submission of paper copies. Parties who are not registered ECF filers must file the original supplemental brief plus 50 paper copies.