

ORAL ARGUMENT SCHEDULED FOR APRIL 16, 2015**IN THE
UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**STATE OF WEST VIRGINIA, *et al.*,

Petitioners,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY,Respondent,
-----CITY OF NEW YORK, *et al.*,

Intervenors.

Case No. 14-1146

On Petition for Judicial Review

PETITIONERS' MOTION REGARDING ORAL ARGUMENT

Pursuant to Federal Rules of Civil Procedure 2 and 27 and this Court's inherent authority to manage its docket, Petitioners State of West Virginia, State of Alabama, State of Indiana, State of Kansas, Commonwealth of Kentucky, State of Louisiana, State of Nebraska, State of Ohio, State of Oklahoma, State of South Carolina, State of South Dakota, and State of Wyoming (collectively, "Movants,")

respectfully request the oral argument format set forth below. Because related consolidated cases, Nos. 14-1112 and 14-1151 (the “*Murray* cases”), are scheduled for oral argument on the same day before the same panel as this case, No. 14-1146 (the “*West Virginia* case”), Movants have consulted with counsel for Petitioners in the *Murray* cases regarding the sequencing of oral argument.

As the Court knows, the consolidated *Murray* cases and the *West Virginia* case have attracted briefing from multiple constituencies that include utility suppliers, utility customers, utilities, other businesses, States, and environmental interest groups. Movants seek to structure oral argument in both cases in a manner that is conducive to the Court’s consideration of all aspects of these important cases. Accordingly, Movants respectfully make the following requests:

1. Movants request that oral argument in the two consolidated cases, Nos. 14-1112 and 14-1151, be heard *before* the argument in which the same panel will hear case No. 14-1146, *West Virginia v. EPA*. While the requested order may occur automatically since the first *Murray* case, No. 14-1112, has the lowest docket number, the *Murray* cases also present a set of issues that logically should be heard prior to the issues presented in *West Virginia*. Proceeding with the *Murray* cases first will avoid unnecessary duplication of oral argument.

2. Movants propose a total of twenty (20) minutes per side in the *West Virginia* case.
3. In the *West Virginia* case, one attorney will present oral argument on behalf of all Petitioners.

Petitioners' counsel in Nos. 14-1112 and 14-1151 concurs in Movants' proposed sequencing of the *Murray* and *West Virginia* arguments.

Counsel for Petitioner State of West Virginia has also contacted counsel for Respondent Environmental Protection Agency, and counsel for Intervenor-Respondents, in advance of this filing, and was informed that they oppose the motion.

Dated: February 23, 2015

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on this 23rd day of February, 2015, a copy of the foregoing **Petitioners' Motion Regarding Oral Argument** was served electronically through the Court's CM/ECF system on all registered counsel.

/s/ Elbert Lin

Elbert Lin