

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 05-1097

September Term, 2005

Filed On: December 8, 2005 [936326]

State of New Jersey, et al.,
Petitioners

v.

Environmental Protection Agency,
Respondent

Utility Air Regulatory Group, et al.,
Intervenors

Consolidated with 05-1104, 05-1116, 05-1118,
05-1158, 05-1159, 05-1160, 05-1163, 05-1174,
05-1176

05-1162

State of New Jersey, et al.,
Petitioners

v.

Environmental Protection Agency,
Respondent

Utility Air Regulatory Group, et al.,
Intervenors

Consolidated with 05-1164, 05-1167, 05-1175,
05-1183, 05-1189, 05-1263, 05-1264, 05-1267,
05-1270, 05-1271, 05-1273, 05-1275, 05-1277,
05-1280,

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 05-1097

September Term, 2005

BEFORE: Rogers and Brown, Circuit Judges

ORDER

Upon consideration of the motion to consolidate Nos. 05-1097 et al. and 05-1162 et al. and hold proceedings in abeyance, the responses thereto, and the replies; the motion for severance and for prioritized consideration of the severed issue, the responses thereto, and the reply; the motion to establish briefing format, the oppositions thereto, and the reply; and the joint motion for severance of No. 05-1270, the oppositions thereto, and the joint reply, it is

ORDERED that the motion to consolidate Nos. 05-1097 et al. and 05-1162 et al. and hold proceedings in abeyance be granted. The motion is granted based on respondent's representation in its filing of August 25, 2005, at 6, that the agency anticipates completing reconsideration proceedings on the Section 112 Rule and reconsideration proceedings on the Clean Air Mercury Rule by May 31, 2006. See also id. at 9. EPA is directed to file a status report within sixty (60) days of the date of this order and every sixty (60) days thereafter. The parties are directed to file motions to govern further proceedings within thirty (30) days of completion of the agency's reconsideration proceedings. It is

FURTHER ORDERED that consideration of the motion to establish briefing format be deferred pending further order of the court. It is

FURTHER ORDERED that motion for severance and for prioritized consideration of the severed issue, and the joint motion for severance of No. 05-1270 be denied.

Per Curiam

FOR THE COURT:

Mark J. Langer, Clerk

BY:

MaryAnne McMaim

Deputy Clerk/LD