

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 14-1112**September Term, 2014****EPA-79FR34830****Filed On:** November 13, 2014

In re: Murray Energy Corporation,

Petitioner

National Federation of Independent
Business,

Intervenor

No. 14-1151

Murray Energy Corporation,

Petitioner

v.

Environmental Protection Agency and Regina
A. McCarthy, Administrator, U.S.
Environmental Protection Agency,

Respondents

BEFORE: Rogers, Kavanaugh, and Pillard, Circuit Judges**ORDER**

Upon consideration of the petition for writ of prohibition in No. 11-1112 and the response thereto; and the motion to dismiss No. 14-1151 and the opposition thereto, it is

ORDERED, on the court's own motion, that the above-captioned cases be consolidated. It is

FURTHER ORDERED that the petition for writ of prohibition and the motion to dismiss be referred to the merits panel to which these cases are assigned. The parties are directed to address in their briefs the issues presented in the petition for writ of prohibition and the motion to dismiss rather than incorporate those arguments by

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reference. It is

FURTHER ORDERED that the following briefing format and schedule apply in this consolidated case:

| | |
|---------------------------------------------------------------------------------|----------|
| Brief for Petitioner (not to exceed 14,000 words) | 12/15/14 |
| Brief for Intervenor in Support of Petitioner (not to exceed 8,750 words) | 12/30/14 |
| Brief for Respondents (not to exceed 14,000 words) | 02/12/15 |
| Reply Brief for Petitioner (not to exceed 7,000 words) | 02/26/15 |
| Deferred Appendix | 03/02/15 |
| Final Briefs | 03/09/15 |

The court will consider the briefs previously filed by amici curiae in support of petitioner and by amici curiae in support of respondent in No. 14-1112. It is

FURTHER ORDERED, on the court's own motion, that this case be scheduled for oral argument on the same date, and before the same panel, as No. 14-1146, West Virginia v. EPA.

The parties will be notified separately of the oral argument date and composition of the merits panel. The court reminds the parties that

In cases involving direct review in this court of administrative actions, the brief of the appellant or petitioner must set forth the basis for the claim of standing. . . . When the appellant's or petitioner's standing is not apparent from the administrative record, the brief must include arguments and evidence establishing the claim of standing.

See D.C. Cir. Rule 28(a)(7).

To enhance the clarity of their briefs, the parties are urged to limit the use of

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abbreviations, including acronyms. While acronyms may be used for entities and statutes with widely recognized initials, briefs should not contain acronyms that are not widely known. See D.C. Circuit Handbook of Practice and Procedures 41 (2013); Notice Regarding Use of Acronyms (D.C. Cir. Jan. 26, 2010).

Parties are directed to hand deliver the paper copies of their briefs to the Clerk's office on the date due. All briefs and appendices must contain the date that the case is scheduled for oral argument at the top of the cover. See D.C. Cir. Rule 28(a)(8).

Per Curiam

FOR THE COURT:

Mark J. Langer, Clerk

BY: /s/
Robert J. Cavello
Deputy Clerk