Message

From: Hostetler, Eric (ENRD) [Eric.Hostetler@usdoj.gov]
Sent: 2/17/2017 7:12:54 PM
To: Jordan, Scott [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=844c5777fea243d7a7b880c54e2cd2a7-Jordan, Scott]
CC: Kolman, Chloe (ENRD) [Chloe.Kolman@usdoj.gov]; Zenick, Elliott [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1b2eaa2a560d415fb7c8ce9bb56c7ce5-EZENICK]; Schmidt, Lorie [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f471d4b316f74b0591322b5c63f1d01c-Schmidt, Lorie]
Subject: CPP Reconsideration Denial Litigation - Industry Motion to Intervene on behalf of Petitioners
Attachments: Chamber of Commerce Motion to Intervene.pdf

Ex. 5

Eric

Eric Hostetler
Senior Counsel for Appellate Matters
Environmental Defense Section
United States Department of Justice
202-305-2326

From: Jordan, Scott [mailto:Jordan.Scott@epa.gov]
Sent: Friday, February 17, 2017 7:41 AM
To: Hostetler, Eric (ENRD) <EHostetler@ENRD.USDOJ.GOV>
Cc: Kolman, Chloe (ENRD) <CKolman@ENRD.USDOJ.GOV>; Zenick, Elliott <Zenick.Elliott@epa.gov>; Schmidt, Lorie <Schmidt.Lorie@epa.gov>
Subject: CPP Reconsideration Denial Litigation - Draft Motion for Extension of initial deadlines

Eric - This motion looks good. Thanks.

Lorie - Ex. 5

Ex. 5

Scott Jordan
Air and Radiation Law Office
Office of General Counsel
202-564-7508

From: Hostetler, Eric (ENRD) <Eric.Hostetler@usdoj.gov>
Sent: Thursday, February 16, 2017 4:18 PM
To: Jordan, Scott
Cc: Kolman, Chloe (ENRD); Zenick, Elliott; Schmidt, Lorie
Subject: RE: State of North Dakota v. EPA, Case Number 17-1014 (consolidated)

Scott,

Ex. 5

Ex. 5 We plan to file this tomorrow afternoon once we confirm there is no opposition.

Eric

From: Jordan, Scott [mailto:Jordan.Scott@epa.gov]
Sent: Thursday, February 16, 2017 4:11 PM
To: Hostetler, Eric (ENRD) <EHostetler@ENRD.USDOJ.GOV>
Cc: Kolman, Chloe (ENRD) <CKolman@ENRD.USDOJ.GOV>; Zenick, Elliott <Zenick.Elliott@epa.gov>; Schmidt, Lorie <Schmidt.Lorie@epa.gov>
Subject: RE: State of North Dakota v. EPA, Case Number 17-1014 (consolidated)

Eric –

Thanks for clarifying that.

Ex. 5

Scott Jordan
Air and Radiation Law Office
Office of General Counsel
202-564-7508

From: Hostetler, Eric (ENRD) [mailto:Eric.Hostetler@usdoj.gov]
Sent: Thursday, February 16, 2017 4:05 PM
To: Jordan, Scott <Jordan.Scott@epa.gov>
Cc: Kolman, Chloe (ENRD) <Chloe.Kolman@usdoj.gov>; Zenick, Elliott <Zenick.Elliott@epa.gov>; Schmidt, Lorie

<Schmidt.Lorie@epa.gov>
Subject: RE: State of North Dakota v. EPA, Case Number 17-1014 (consolidated)

Scott,

Ex. 5

From: Jordan, Scott [mailto:Jordan.Scott@epa.gov]
Sent: Thursday, February 16, 2017 3:23 PM
To: Hostetler, Eric (ENRD) <EHostetler@ENRD.USDOJ.GOV>
Cc: Kolman, Chloe (ENRD) <CKolman@ENRD.USDOJ.GOV>; Zenick, Elliott <Zenick.Elliott@epa.gov>; Schmidt, Lorie <Schmidt.Lorie@epa.gov>
Subject: RE: State of North Dakota v. EPA, Case Number 17-1014 (consolidated)

Eric –

Ex. 5

Scott Jordan
Air and Radiation Law Office
Office of General Counsel
202-564-7508

From: Hostetler, Eric (ENRD) [mailto:Eric.Hostetler@usdoj.gov]
Sent: Thursday, February 16, 2017 3:14 PM
To: Jordan, Scott <Jordan.Scott@epa.gov>
Cc: Kolman, Chloe (ENRD) <Chloe.Kolman@usdoj.gov>; Zenick, Elliott <Zenick.Elliott@epa.gov>; Schmidt, Lorie <Schmidt.Lorie@epa.gov>
Subject: FW: State of North Dakota v. EPA, Case Number 17-1014 (consolidated)

Scott,

We've received a routine inquiry from the DC Circuit mediation office asking us to advise them whether we are interested in pursuing mediation in the new CPP reconsideration denial litigation. The Court has asked for a response by March 2. Ex. 5

Ex. 5

Thanks,

Eric

From: Lipshultz, Jon (ENRD)
Sent: Thursday, February 16, 2017 2:54 PM

To: Hostetler, Eric (ENRD) <EHostetler@ENRD.USDOJ.GOV>
Subject: FW: State of North Dakota v. EPA, Case Number 17-1014 (consolidated)

From: McDevitt, John (ENRD)
Sent: Thursday, February 16, 2017 2:51 PM
To: Lipshultz, Jon (ENRD) <JLipshultz@ENRD.USDOJ.GOV>
Subject: FW: State of North Dakota v. EPA, Case Number 17-1014 (consolidated)

Thanks Jon. The Clerk also forwarded this email to me.

John

From: Michael_Terry@cadc.uscourts.gov [mailto:Michael_Terry@cadc.uscourts.gov]
Sent: Thursday, February 16, 2017 2:35 PM
To: sebyp@gtlaw.com; maiolson@nd.gov; ndag@nd.gov; stoucki@gtlaw.com; Robert.Byrne@doj.ca.gov; gavin.mccabe@doj.ca.gov; Elaine.Meckenstock@doj.ca.gov; jonathan.wiener@doj.ca.gov; david.zonana@doj.ca.gov; scott.koschwitz@ct.gov; matthew.levine@ct.gov; kirsten.rigney@ct.gov; valerie.edge@state.de.us; gkarr@atg.state.il.us; jacob.larson@iowa.gov; jerry.reid@maine.gov; christophe.courchesne@state.ma.us; Melissa.Hoffer@state.ma.us; max.kieley@ag.state.mn.us; jyar@nmag.gov; paul.garrahan@doj.state.or.us; mgooch@oag.state.va.us; gschultz@riag.ri.gov; nick.persampieri@vermont.gov; james.mckay@dc.gov; kays1@atg.wa.gov; scott.schwarz@phila.gov; kalishd@bouldercolorado.gov; benna.solomon@cityofchicago.org; jacoffey@broward.org; mjourney@broward.org; thomaspepe@pepenemire.com; jduffy@catf.us; aweeks@catf.us; tcarbonell@edf.org; sean@donahuegoldberg.com; blevitan@edf.org; vpatton@edf.org; mroberts@edf.org; susannah@donahuegoldberg.com; ddoniger@nrdc.org; blongstreth@nrdc.org; llynch@nrdc.org; kbundy@biologicaldiversity.org; vpardee@biologicaldiversity.org; dbaron@earthjustice.org; hfox@earthjustice.org; andres.restrepo@sierraclub.org; joanne.spalding@sierraclub.orgwilliam.depaulo; michael.myers@ag.ny.gov; geoffrey.barnes@squirepb.com; bobby.cheren@squirepb.com; wendy.lavey@squirepb.com; john.lazzaretti@squirepb.com; aknudsen@hunton.com; hnickel@hunton.com; tszymanski@hunton.com; awood@hunton.com; bbrownell@hunton.com; emurdock@hunton.com; tlorenzen@crowell.com; Rae.Cronmiller@NRECA.org; patrick.morrisey@wvago.gov; elbert.lin@wvago.gov; erica.n.peterson@wvago.gov; scott.keller@texasattorneygeneral.gov; cam.barker@texasattorneygeneral.gov; rtambling@ago.state.al.us; dominic.draye@azag.gov; keith.miller@azag.gov; mscott@azcc.gov; JWagner@cc.state.az.us; lee.rudofsky@arkansasag.gov; jamie.ewing@arkansasag.gov; swarren@law.ga.gov; tom.fisher@atg.in.gov; jeff.chanay@ag.ks.gov; bryan.clark@ag.ks.gov; jonesst@ag.state.la.us; donna_hodges@mdeq.ms.gov; tepalmer@michaelbest.com; vlgreen@michaelbest.com; dales@mt.gov; justin.lavene@nebraska.gov; John.Renella@dd.lps.state.nj.us; eric.murphy@ohioattorneygeneral.gov; steven.blair@state.sd.us; tylergreen@utah.gov; tseytlinm@doj.state.wi.us; breuerdm@doj.state.wi.us; james.kaste@wyo.gov; elizabeth.morrisseau@wyo.gov; erik.petersen@wyo.gov; esmith@scag.gov; gmoore@balch.com; jbarber@balch.com; margaret.campbell@troutmansanders.com; ecgerhar@southernco.com; twyly@balch.com; bstone@balch.com; tlduncan@shb.com; tgrever@shb.com; jmassey@masseygail.com; william.bumpers@bakerbotts.com; megan.berge@bakerbotts.com; leslie.couvillion@bakerbotts.com; McDevitt, John (ENRD) <JMcDevitt@ENRD.USDOJ.GOV>
Subject: State of North Dakota v. EPA, Case Number 17-1014 (consolidated)

Dear Attorneys

Dear Attorneys:

We write to find out if you might be interested in exploring settlement of this matter through our mediation program. This

is a routine inquiry that we try to make in all civil cases pending in the circuit.

Please respond by March 2, 2017. Your comments and suggestions are taken seriously. Our experience has been that the mediation process is usually more productive when the parties have agreed to participate and have some ideas about how the case might be resolved or how some of the issues could be simplified.

If you have any questions about the mediation process or would like to discuss this matter in general, please feel free to contact me separately. I have attached a copy of the court's mediation procedures.

Please note that a referral to mediation does not automatically stay the dates for filing the docketing statement, certificate as to parties, statement of issues, the filing of the underlying decision, appendix statement, procedural motions , dispositive motions, initial submissions, procedural motions, entry of appearance, briefing schedule **or oral argument**. However, the court is usually receptive to a joint motion or a consent motion to postpone or stay these matters to accommodate settlement talks. However, please note that if the court grants such a request to stay the briefing schedule or oral argument, you may lose your panel if one has been assigned.

Please also note that if your case goes into mediation or you engage in serious direct settlement negotiations, you will be required to inform the Clerk Of the Court. This is to better enable the judges to make the best use of their time and resources. Please see the attached Notice. We have interpreted this notice requirement to come into play on the date you receive notice of the oral argument.

We appreciate your cooperation and assistance.

Michael A. Terry
Circuit Mediator
202/216-7343 Phone
202/273-0331 Fax
michael_terry@cadc.uscourts.gov