Message

From: Schmidt, Lorie [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=F471D4B316F74B0591322B5C63F1D01C-SCHMIDT, LORIE]
Sent: 8/14/2017 3:57:46 PM
To: Jordan, Scott [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=844c5777fea243d7a7b880c54e2cd2a7-Jordan, Scott]; Srinivasan, Gautam [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d69332838210416ba51779b19025f832-GSRINIVA]
CC: Zenick, Elliott [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1b2eaa2a560d415fb7c8ce9bb56c7ce5-EZENICK]; Vetter, Rick [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=50f35f58b6f84d32b701101475118091-RVETTER]
Subject: RE: Nat. Resources Defense Council, et al v. E. Scott Pruitt, et al., Case Number 17-1157

Ex. 5

Lorie Schmidt
Associate General Counsel, Air and Radiation
Office of General Counsel
US Environmental Protection Agency
(202)564-1681

From: Jordan, Scott
Sent: Monday, August 14, 2017 11:21 AM
To: Justin Heminger <Justin.Heminger@usdoj.gov>; Schmidt, Lorie <Schmidt.Lorie@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Cc: Zenick, Elliott <Zenick.Elliott@epa.gov>; Vetter, Rick <Vetter.Rick@epa.gov>; Hostetler, Eric (ENRD) <Eric.Hostetler@usdoj.gov>
Subject: RE: Nat. Resources Defense Council, et al v. E. Scott Pruitt, et al., Case Number 17-1157

Ex. 5

Thanks,

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

From: Heminger, Justin (ENRD) [mailto:Justin.Heminger@usdoj.gov]
Sent: Monday, August 14, 2017 10:23 AM
To: Schmidt, Lorie <Schmidt.Lorie@epa.gov>; Jordan, Scott <Jordan.Scott@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Cc: Zenick, Elliott <Zenick.Elliott@epa.gov>; Vetter, Rick <Vetter.Rick@epa.gov>; Hostetler, Eric (ENRD) <Eric.Hostetler@usdoj.gov>
Subject: FW: Nat. Resources Defense Council, et al v. E. Scott Pruitt, et al., Case Number 17-1157

EPA colleagues,

Two weeks ago, the D.C. Circuit's mediator sent the email below asking whether EPA wants to explore settlement of NRDC's challenge to the 90-day stay. The deadline for responding to the inquiry is tomorrow. **Ex. 5**

Ex. 5

Thanks,
Justin

From: Michael_Terry@cadc.uscourts.gov [mailto:Michael_Terry@cadc.uscourts.gov]
Sent: Tuesday, August 01, 2017 5:37 PM
To: ddoniger@nrdc.org; llynch@nrdc.org; jduffy@catf.us; aweeks@catf.us; Heminger, Justin (ENRD) <JHeminger2@ENRD.USDOJ.GOV>; mdillon@mankogold.com; cmccabe@mankogold.com
Subject: Nat. Resources Defense Council, et al v. E. Scott Pruitt, et al., Case Number 17-1157

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 August 15, 2017 or the court may decide whether to put you case into the program without your view. 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