From:	Bartlett, Brad
To:	Dertke, Daniel (ENRD)
Cc:	MShapp@hgnlaw.com; MGoodstein@hgnlaw.com; vinceyazzie@yahoo.com; barthlawoffice@gmail.com; jbrimmer@earthjustice.org; agoodin@earthjustice.org; Anderson, Lea; Lyons, Ann; ALynch@hgnlaw.com
Subject:	Re: NGS petitions, Nos. 14-73055, 14-73100, 14-73101, 14-73102 (9th Cir.)
Date:	Wednesday, November 05, 2014 9:17:24 AM

Dear Mr. Dertke,

We appreciate you reaching out to us and setting up a call to discuss briefing and scheduling matters. Appellants have now conferred on these matters and respectfully propose the following:

With regard to briefing, Appellants propose as as follows:

(1) Appellants will file two briefs, TNA/NPCA Appellants' Combined Opening Brief and Hopi Appellant's Opening Brief. The combined wording of both briefs will not exceed 28,000 words *in toto* (14,000 x 2) and can be the result of any combination of words from the two briefs. Mr. Yazzie will not be filing a brief, but will submit a declaration with TNA/NPCA Appellants' opening brief.

(2) EPA Response Brief at 14,000 words; TWG Intervenors' Response Brief at 14,000 words.

(3) Appellants will file two reply briefs, TNA/NPCA Appellants' Combined Reply Brief and Hopi Appellant's Reply Brief. The combined wording of both briefs will not exceed 14,000 words *in toto* (7,000 x 2) and can be the result of any combination of words from the two briefs.

With regard to scheduling, Appellants proposed as follows:

(1) EPA prepares and files the record: November 14, 2014.

(2) TNA/NPCA Appellants' Combined Opening Brief and Hopi Appellant's Opening Brief: January 16, 2014

(3) EPA Response Brief and TWG Intervenors Response Brief: February 15, 2014

(4) TNA/NPCA Appellants' Combined Reply Brief and Hopi Appellant's Reply Brief: March 2, 2014.

We look forward to discussing these matters with you at 10AM PDT/11AM MDT.

Sincerely,

Brad A. Bartlett, Assistant Professor
University of Denver
Environmental Law Clinic
2225 E. Evans Ave., Suite 335
Denver, CO 80208
Phone: (303) 871-7870
Email: bbartlett@law.du.edu

Confidentiality Notice: This electronic transmission, and any documents, files or previous

electronic messages attached may contain information that is confidential or legally privileged. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that you must not read this transmission and that any disclosure, copying, printing, or distribution or use of any of the information contained in or attached to this transmission is prohibited. If you received this transmission in error, please immediately notify the sender by telephone (303) 871-7870, or return email and dispose of the original transmission and its attachments without reading or saving in any manner. Thank you.

On Nov 4, 2014, at 12:36 PM, Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov> wrote:

> Folks, let's try to talk tomorrow, Wednesday November 5 at 10 am Pacific time. We can use my conference line: (866) 410-9426, code 202-514-0994. I would like to discuss with all parties (1) consolidation, (2) mediation, and (3) briefing schedule and format.
> - Dan
>
> On Oct 31, 2014, at 12:13 PM, "Dertke, Daniel (ENRD)" <DDertke@ENRD.USDOJ.GOV<mailto:DDertke@ENRD.USDOJ.GOV>> wrote:
>
> Hello, my name in Dan Dertke and I am representing EPA in these four petitions challenging EPA's final action regarding the Navajo Generating Station, 79 Fed. Reg. 46514 (Aug. 8, 2014). I will shortly be entering an appearance to substitute for Jon Lipshultz, but in the meantime my contact information is below.
>
> I would like to discuss two case-management issues with you. First, I think these four cases should be consolidated, and second, I would like to propose an alternative briefing schedule and format that takes into account the fact that there are four Petitioners, that provides more time for EPA's response brief (and that does not run over the winter holidays), and that takes into account the potential intervenors. Are folks available to talk on Wednesday morning, November 5? Counsel in 14-73101 have a telephone settlement assessment call that day with a Circuit Mediator, at 11:00 Pacific time, so I would prefer that we talk before then, but Wednesday morning won't work for everyone's schedule then I think its fine for us all to talk later.
>
> Dan Dertke
> U.S. Department of Justice
> PO Box 7611
> Washington, DC 20044
> (202) 514-0994