

(ORDER LIST: 577 U.S.)

TUESDAY, FEBRUARY 9, 2016

ORDER IN PENDING CASE

15A773 WEST VIRGINIA, ET AL. V EPA, ET AL.

The application for a stay submitted to The Chief Justice and by him referred to the Court is granted. The Environmental Protection Agency's "Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units," 80 Fed. Reg. 64,662 (October 23, 2015), is stayed pending disposition of the applicants' petitions for review in the United States Court of Appeals for the District of Columbia Circuit and disposition of the applicants' petition for a writ of certiorari, if such writ is sought. If a writ of certiorari is sought and the Court denies the petition, this order shall terminate automatically. If the Court grants the petition for a writ of certiorari, this order shall terminate when the Court enters its judgment.

Justice Ginsburg, Justice Breyer, Justice Sotomayor, and Justice Kagan would deny the application.

**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

**No. 15-1363**

**September Term, 2015**

**EPA-80FR64662**

**Filed On: January 21, 2016**

State of West Virginia, et al.,

Petitioners

v.

Environmental Protection Agency and Regina  
A. McCarthy, Administrator, United States  
Environmental Protection Agency,

Respondents

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American Wind Energy Association, et al.,  
Intervenors  
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Consolidated with 15-1364, 15-1365,  
15-1366, 15-1367, 15-1368, 15-1370,  
15-1371, 15-1372, 15-1373, 15-1374,  
15-1375, 15-1376, 15-1377, 15-1378,  
15-1379, 15-1380, 15-1382, 15-1383,  
15-1386, 15-1393, 15-1398, 15-1409,  
15-1410, 15-1413, 15-1418, 15-1422,  
15-1432, 15-1442, 15-1451, 15-1459,  
15-1464, 15-1470, 15-1472, 15-1474,  
15-1475, 15-1477, 15-1483, 15-1488

**BEFORE:** Henderson, Rogers, and Srinivasan, Circuit Judges

**ORDER**

Upon consideration of the motion for stay and expedition and the motions for stay, the responses thereto, and the replies; the joint motion to establish briefing format and expedited briefing schedule, the responses thereto, and the replies; and petitioner LG & E and KU Energy's motion in No. 15-1418 to sever certain issues and hold them in abeyance and the oppositions thereto, it is

**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

**No. 15-1363****September Term, 2015**

**ORDERED** that the motions for stay be denied. Petitioners have not satisfied the stringent requirements for a stay pending court review. See Winter v. Natural Res. Def. Council, Inc., 555 U.S. 7, 20 (2008); D.C. Circuit Handbook of Practice and Internal Procedures 33 (2015). It is

**FURTHER ORDERED** that consideration of these appeals be expedited. It is

**FURTHER ORDERED** that the motion in No. 15-1418 to sever certain issues and hold them in abeyance be denied. It is

**FURTHER ORDERED**, on the court's own motion, that by noon on January 27, 2016, the parties submit a proposed format for the briefing of all the issues in these cases, as well as a proposed schedule that ensures that all initial briefs are filed by April 15, 2016, the deferred appendix is filed by April 18, 2016, and the final briefs are filed by April 22, 2016. The parties are reminded that the court looks with extreme disfavor on repetitious submissions, and the parties are encouraged to limit both the number and size of the briefs they propose to file. It is

**FURTHER ORDERED** that oral argument be scheduled before this panel on June 2, 2016, commencing at 9:30 a.m. The parties should also reserve June 3 in the event argument cannot be concluded on June 2nd.

The parties are directed to hand-deliver the paper copies of their submission to the court by the time and date due.

**Per Curiam**

**FOR THE COURT:**

Mark J. Langer, Clerk

BY:

John J. Accursio

Deputy Clerk/LD