

U.S. Department of Justice
United States Attorney
Southern District of New York

86 Chambers Street, 3rd Floor
New York, New York 10007

August 9, 2012

By E-Mail (crottynysdchambers@nysd.uscourts.gov)

Honorable Paul A. Crotty
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007

SO ORDERED: 8-10-12

Paul A. Crotty
HON. PAULA A. CROTTY
UNITED STATES DISTRICT JUDGE

Re: Natural Resources Defense Council, Inc. v. Lisa P.
Jackson, No. 12 Civ. 1848 (PAC)

Dear Judge Crotty:

This Office represents defendants Lisa P. Jackson and the United States Environmental Protection Agency (collectively, "EPA") in the above-referenced matter. We write respectfully to request that the Court transfer this matter to the suspense docket. Plaintiffs consent to this request.

This matter concerns a petition for rulemaking (the "Petition") that plaintiffs submitted to EPA in November 2007. On March 13, 2012, Plaintiffs filed this lawsuit alleging that the EPA had unreasonably delayed in responding to the Petition and requesting, among other things, that the Court order EPA to respond to the Petition within 90 days. (Dkt. No. 1.) Thereafter, as stated in the parties' joint letter to the Court dated July 10, 2012, EPA informed plaintiffs that it anticipates responding to the Petition before the end of the calendar year 2012. (Dkt. No. 21.) Specifically, EPA expects to provide a response to the Petition on or before Friday, December 14, 2012. Accordingly, the parties believe that further litigation at this time would not be in the interest of judicial economy.

Once EPA provides plaintiffs with a response to the petition, it shall also provide written notice of that response to the Court. Following such notice, EPA will confer with plaintiffs in an attempt to reach agreement on a joint proposed order to dismiss this case or, if necessary, to govern further proceedings. Unless a joint proposed order, or unilateral proposed orders if the parties cannot agree, is submitted to the Court by January 14, 2013, the case will return to the Court's active docket.


MEMO ENDORSED

We thank the Court for its consideration of this request.

Respectfully,

PREET BHARARA
United States Attorney for the
Southern District of New York

By:


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