

Case Nos. 15-3751, et al.

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

FILED
Oct 25, 2016
DEBORAH S. HUNT, Clerk

In re: UNITED STATES DEPARTMENT)
OF DEFENSE AND UNITED STATES)
ENVIRONMENTAL PROTECTION)
AGENCY FINAL RULE: CLEAN WATER)
RULE: DEFINITION OF "WATERS OF)
THE UNITED STATES," 80 Fed. Reg.)
37,054 (June 29, 2015),)

CASE MANAGEMENT
ORDER NO. 5
(Second Revised Briefing Schedule)

MURRAY ENERGY CORPORATION, et al.,)

Petitioners,)

v.)

UNITED STATES DEPARTMENT OF)
DEFENSE, DEPARTMENT OF THE ARMY)
CORPS OF ENGINEERS; and UNITED)
STATES ENVIRONMENTAL)
PROTECTION AGENCY, et al.,)

Respondents.)

BEFORE: KEITH, McKEAGUE and GRIFFIN, Circuit Judges.

The court having established a revised briefing schedule in Case Management Order No. 4 issued on October 6, 2016; and

Respondent Agencies having filed an unopposed motion to extend the briefing schedule slightly, and the court having duly considered the motion and finding that relief is warranted; now therefore,

Case No. 15-3751, et al.

In re: Dep't of Defense and EPA Clean Water Rule

The court establishes the following revised merits briefing schedule, superseding Case Management Order No. 4:

Each of the three groups of petitioners (i.e., State Petitioners, Business and Municipal Petitioners, and Associational Petitioners)¹ is permitted to file an initial appellate brief not to exceed 21,000 words in length. Petitioners' initial proof briefs on the merits shall be filed not later than **November 1, 2016**.

Respondent Agencies shall file their single consolidated proof brief in response to petitioners' initial briefs (not to exceed 63,000 words) not later than **January 18, 2017**.

Each of the three groups of intervenor-respondents (i.e., among the State Petitioners, Business and Municipal Petitioners, and Associational Petitioners) is permitted to file a response brief not to exceed 10,000 words. The intervenor-respondents' proof briefs shall be filed not later than **February 8, 2017**.

A reply proof brief (not to exceed 10,000 words) may be filed on behalf of each of the three groups of petitioners and shall be filed not later than **March 8, 2017**.

A single comprehensive Joint Appendix shall be filed not later than **March 22, 2017**.

All parties' final-form briefs shall be filed not later than **March 29, 2017**.

Oral Arguments will be scheduled as soon as practicable after the briefing is complete.

ENTERED BY ORDER OF THE COURT



Deborah S. Hunt, Clerk

¹ Per Case Management Order No. 3 issued June 30, 2016, "the Associational Petitioners are permitted to file two initial briefs, two response briefs, and two reply briefs under the established merits briefing schedule and within the established aggregate word limits, subject to the Associational Petitioners' agreement among themselves as to how their allotted words shall be allocated."