

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

COMMUNITY IN-POWER AND
DEVELOPMENT ASSOCIATION INC., et
al.,

Plaintiffs,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, et al.,

Defendants.

AMERICAN CHEMISTRY COUNCIL

Plaintiff,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, et al.,

Defendants.

No. 1:23-cv-2715-DLF/1:23-cv-3276-DLF
(consolidated)

Hon. Dabney L. Friedrich

**DEFENDANTS' UNOPPOSED MOTION TO EXTEND DEFENDANTS' RESPONSE
DEADLINE PENDING RESOLUTION OF MOTIONS TO ENTER CONSENT
DECREES AND TO HOLD CASE IN ABEYANCE FOR THREE MONTHS**

Pursuant to Federal Rule of Civil Procedure 6(b) and Local Rule 7(m), Defendants U.S. Environmental Protection Agency and Michael Regan, Administrator of the U.S. Environmental Protection Agency, in his official capacity ("Defendants"), respectfully request that the Court hold these consolidated cases in abeyance for three months and stay all existing deadlines, including Defendants' obligation to respond to both complaints pending the Court's resolution of the parties' forthcoming motions to enter the Consent Decrees. The parties have reached a settlement on two Consent Decrees and are preparing motions to enter those Consent Decrees, which they intend to file shortly. Defendants have conferred with both sets of Plaintiffs'

counsel regarding this motion, and no Plaintiff opposes. In support of this motion, Defendants state the following:

1. Plaintiffs Community In-Power and Development and Association Inc. et al. filed a complaint in this matter on September 18, 2023, ECF No. 1, and served the complaint on September 19, 2023.
2. Plaintiff American Chemistry Council (“ACC”) filed a complaint in Case No. 1:23-cv-3276 on December 13, 2023, ECF No. 1, and served the complaint on December 20, 2023.
3. On January 16, 2024, Defendants moved to consolidate the two actions, ECF No. 21, which this Court granted in a January 17, 2024 Minute Order.
4. Pursuant to this Court’s October 22, 2024 Minute Order, Defendants’ response to both complaints is presently due November 6, 2024.
5. The parties have reached a settlement on two Consent Decrees and intend to move to enter the Consent Decrees shortly.
6. Defendants respectfully request that the Court hold this case in abeyance and stay all existing deadlines, including Defendants’ obligation to respond to both complaints, pending the Court’s resolution of the motions to enter the Consent Decrees. If the Court grants the parties’ motions to enter the Consent Decrees, those orders would resolve all substantive claims in this litigation, leaving only potential claims for attorneys’ fees. A short stay would allow the parties time to evaluate any remaining claims and attempt to resolve them.
7. An abeyance serves the interests of administrative efficiency and would conserve judicial resources as a settlement may expedite a final resolution of these consolidated

actions without further litigation.

8. Based on the foregoing, Defendants respectfully request that the Court hold this case in abeyance and stay all existing deadlines, including Defendants' obligation to respond to both complaints pending the Court's resolution of the forthcoming motions to enter the Consent Decrees. Defendants further request that the Court hold this case in abeyance for three months. A proposed order is attached.

Dated: November 6, 2024

Respectfully submitted,

/s/ Sarah Izfar

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**[PROPOSED] ORDER GRANTING UNOPPOSED MOTION TO EXTEND
DEFENDANTS' RESPONSE DEADLINE PENDING RESOLUTION OF MOTIONS TO
ENTER CONSENT DECREES AND TO HOLD CASE IN ABEYANCE FOR THREE
MONTHS**

Upon consideration of Defendants' Unopposed Motion, it is hereby:

ORDERED that Defendants' deadline to answer or otherwise respond to both complaints, is hereby extended pending the Court's resolution of the forthcoming motions to enter the Consent Decrees; and it is further

ORDERED that this consolidated action is hereby stayed for three months.

Date: _____

Hon. Dabney L. Friedrich
United States District Judge