

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

IN RE: ENVIRONMENTAL PROTECTION AGENCY
AND DEPARTMENT OF DEFENSE, FINAL RULE:
CLEAN WATER RULE: DEFINITION OF "WATERS OF THE UNITED
STATES", 80 FED.REG. 37,054, PUBLISHED ON JUNE 29, 2015.

MCP No. 135

(SEE ATTACHED SCHEDULE)

CONSOLIDATION ORDER

The U.S. Environmental Protection Agency and Department of Defense, through the Department of the Army published an Final Order dated June 29, 2015. On July 27, 2015, the Panel received, pursuant to 28 U.S.C. § 2112(a)(3), a notice of multicircuit petitions for review of that order. The notice included petitions for review pending in eight circuit courts of appeal as follows: Second Circuit Court, Fifth Circuit Court, Sixth Circuit Court, Eighth Circuit Court, Ninth Circuit Court, Tenth Circuit Court, Eleventh Circuit Court and District of Columbia Circuit Court.

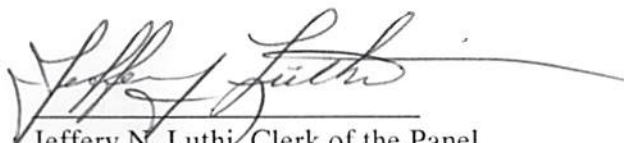
The Panel has randomly selected the United States Court of Appeals for the Sixth Circuit in which to consolidate these petitions for review.

IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 2112(a)(3), the petitions on the attached schedule are consolidated in the Sixth Circuit and that this circuit is designated as the circuit in which the record is to be filed pursuant to Rules 16 and 17 of the Federal Rules of Appellate Procedure.

FOR THE PANEL:



Dana L. Stewart, Operations Support Specialist
Random Selector



Jeffery N. Luthi, Clerk of the Panel
Witness

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MCP No. 135

SCHEDULE OF PETITIONS

CIRCUIT NO.

CASE CAPTION

Second Circuit, No. 15-2313	Natural Resources Defense Council v. EPA
Fifth Circuit, No. 15-60492	Texas, et al. v. EPA
Fifth Circuit, No. 15-60509	Utility Water Act Group v. EPA
Sixth Circuit, No. 15-3751	Murray Energy Corp. v. EPA
Eighth Circuit, No. 15-2552	North Dakota, et al. v. EPA
Ninth Circuit, No. 15-72226	Waterkeeper Alliance, Inc., et al v. EPA
Ninth Circuit, No. 15-72227	Ruget Soundkeeper Alliance, et al v. EPA
Tenth Circuit, No. 15-9551	Oklahoma v. EPA
Tenth Circuit, No. 15-9552	Chamber of Commerce of the United States, et al v. EPA
Eleventh Circuit, No. 15-13102	Southeastern Legal Foundation, et al. v. EPA
Eleventh Circuit, No. 15-13252	Georgia, et al. v. EPA
DC Circuit, No. 15-1234	National Wildlife Federation v. EPA

United States Court of Appeals for the Second Circuit
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, NY 10007

ROBERT A. KATZMANN
CHIEF JUDGE

CATHERINE O'HAGAN WOLFE
CLERK OF COURT

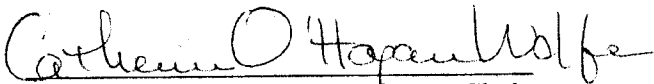
Date: July 29, 2015
Docket #: 15-2313ag
Short Title: Natural Resources Defense Coun v.
United States Environmental Pr

Agency #: EPA-HQ-OW-2011-0880
Agency: Environmental Protection
Agency Agency #: FRL-9927-20-OW
Agency: Environmental Protection
Agency

I, CATHERINE O'HAGAN WOLFE, Clerk of the United States Court of Appeals for the Second Circuit, do hereby certify that the enclosed documents numbered from 1, 3, 6, 7, comprise the original documents filed in this Court, and the same remain of record and on file in my office.

I further certify that the attached order to transfer the proceedings to the United States Court of appeals for the Sixth Circuit is a true copy, as the original of the same remains with the records of this court.

IN TESTIMONY WHEREOF, I have caused the seal of the said Court to be hereunto affixed, at the City of New York, in the Second Circuit, this 29th day of July, in the year of our Lord two thousand fifteen, and of the Independence of the said United States, the two hundred forty


CATHERINE O'HAGAN WOLFE, Clerk

A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit




CERTIFIED COPY ISSUED ON 07/29/2015

**United States Court of Appeals for the Second Circuit
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, NY 10007**

ROBERT A. KATZMANN
CHIEF JUDGE

CATHERINE O'HAGAN WOLFE
CLERK OF COURT

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Agency: Environmental Protection
Agency

Deborah S. Hunt, Clerk of Court
United States Court of Appeals for the Sixth Circuit
540 Potter Stewart U.S. Courthouse
100 East Fifth Street
Cincinnati, Ohio 45202-3988

NOTICE OF APPEAL TRANSFER

Pursuant to an order of the United States Judicial Panel entered on 06/29/15 the above-entitled action is transferred to the United States Court of Appeals for the Sixth Circuit. Enclosed herewith are electronic copies of all papers filed in this Court, the order of transfer, and the docket sheet. Both the order and the docket sheet have been certified.

Very truly yours,

Catherine O'Hagan Wolfe,
Clerk of Court

A circular seal of the United States Court of Appeals for the Second Circuit is stamped over the signature. The seal contains the text "UNITED STATES", "SECOND CIRCUIT", and "COURT OF APPEALS".

Enclosures
cc: All counsel of record

UNITED STATES JUDICIAL PANEL
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FOR THE PANEL:

Dana L. Stewart

Dana L. Stewart, Operations Support Specialist
Random Selector

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Jeffery N. Luthi, Clerk of the Panel
Witness

A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

Catherine O'Hagan Wolfe



**IN RE: ENVIRONMENTAL PROTECTION AGENCY
AND DEPARTMENT OF DEFENSE, FINAL RULE:
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Tenth Circuit, No. 15-9552	Chamber of Commerce of the United States, et al v. EPA
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Eleventh Circuit, No. 15-13252	Georgia, et al. v. EPA
DC Circuit, No. 15-1234	National Wildlife Federation v. EPA

General Docket
Court of Appeals, 2nd Circuit

Court of Appeals Docket #: 15-2313 Natural Resources Defense Coun v. United States Environmental Pr Appeal From: Environmental Protection Agency Fee Status: Paid	Docketed: 07/22/2015 Termed: 07/29/2015
Case Type Information: 1) Agency 2) Petition for Review 3) Immigration	
Originating Court Information: District: EPA-1 : EPA-HQ-OW-2011-0880 District: EPA-1 : FRL-9927-20-OW	
Prior Cases: None	
Current Cases: None	
Panel Assignment: Not available	

Natural Resources Defense Council Petitioner	Jennifer A. Sorenson, Esq., - Direct: 415-875-6164 [COR NTC Retained] Natural Resources Defense Council 20th Floor 111 Sutter Street San Francisco, CA 94104

United States Environmental Protection Agency Respondent	Jessica O'Donnell, - [COR NTC US Attorney] United States Department of Justice Environmental Defense Section P.O. Box 7611 Washington, DC 20044

Natural Resources Defense Council, Petitioner,	
v.	
United States Environmental Protection Agency, Respondent.	

CERTIFIED COPY ISSUED ON 07/29/2015

- 07/22/2015 1 PETITION FOR REVIEW OF AGENCY ORDER, on behalf of Petitioner Natural Resources Defense Council, FILED. [1559806] [15-2313] [Entered: 07/22/2015 12:49 PM]
82 pg, 541.21 KB
- 07/22/2015 2 AGENCY DECISION AND ORDER, dated 06/29/2015, RECEIVED.[1559809] [15-2313] [Entered: 07/22/2015 12:53 PM]
75 pg, 413.68 KB
- 07/22/2015 3 PAYMENT OF DOCKETING FEE, on behalf of Petitioner Natural Resources Defense Council, USCA receipt # A02-56217-499, FILED.[1559811] [15-2313] [Entered: 07/22/2015 12:53 PM]
- 07/22/2015 4 PETITION FOR REVIEW OF AGENCY ORDER, SERVED. [1559812] [15-2313] [Entered: 07/22/2015 12:54 PM]
80 pg, 497.55 KB
- 07/24/2015 6 ACKNOWLEDGMENT AND NOTICE OF APPEARANCE, on behalf of Respondent United States Environmental Protection Agency, FILED. Service date 07/24/2015 by CM/ECF.[1562116] [15-2313] [Entered: 07/24/2015 06:16 PM]
3 pg, 44.97 KB
- 07/29/2015 7 CONSOLIDATION ORDER, dated 07/28/2015, FILED.[1564533] [15-2313] [Entered: 07/29/2015 09:41 AM]
2 pg, 205.88 KB
- 07/29/2015 10 NEW CASE MANAGER, Atasha Joseph, ASSIGNED.[1564576] [15-2313] [Entered: 07/29/2015 10:00 AM]
1 pg, 37.05 KB
- 07/29/2015 11 MULTI-DISTRICT LITIGATION TRANSFER NOTICE, Judicial Panel on Multi-District Litigation of Notice of Transfer to the United States Court of Appeals for the Sixth Circuit, RECEIVED.[Information Only][1564614] [15-2313] [Entered: 07/29/2015 10:17 AM]
2 pg, 207.43 KB
- 07/29/2015 12 MULTI-DISTRICT LITIGATION TRANSFER NOTICE, Judicial Panel on Multi-District Litigation Notice of Transfer to the United States Court of Appeals for the Sixth Circuit. ORDER FILED Stating: pursuant to 28 U.S.C 2112 (a)(3), the petitions on the attached schedule are consolidated in the Sixth Circuit and that this circuit is designated as the circuit in which the record is to be filed pursuant to Rules 16 16 and 17 of FRAP, FILED. [1564623] [15-2313] [Entered: 07/29/2015 10:21 AM]
2 pg, 208 KB
- 07/29/2015 13 APPEAL, pursuant to an order of the United States Judicial Panel on Multidistrict Litigation, dated 06/29/2015, TRANSFERRED.[1564643] [15-2313] [Entered: 07/29/2015 10:29 AM]
2 pg, 208 KB

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- Documents and Docket Summary
- Documents Only

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Totals reflect accessible documents only and do not include unauthorized restricted documents.

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Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

