

UNITED STATES COURT OF APPEALS

FILED

FOR THE NINTH CIRCUIT

APR 3 2023

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

FOOD & WATER WATCH; et al.,

Petitioners,

v.

U.S. ENVIRONMENTAL PROTECTION
AGENCY,

Respondent.

No. 22-70226

District of Court of Appeals, 9th
Circuit

ORDER

Before: SILVERMAN, IKUTA, and MILLER, Circuit Judges.

This petition for writ of mandamus has been stayed pending mediation efforts. Petitioners Food & Water Watch, *et al.* (“Petitioners”), and Respondent United States Environmental Protection Agency (“EPA”) (collectively, “the Parties”) have filed a joint stipulation (Docket No. 28) in which they summarize their agreements.

Pursuant to the stipulation, the court orders the following:

1. By August 15, 2023, the EPA will respond to the Petition to Revise the Clean Water Act Regulations for Concentrated Animal Feeding Operations, submitted by Petitioners to EPA on March 8, 2017 (“the Administrative Petition”).

2. By August 22, 2023, the Parties will file in this court a joint status report summarizing the status of the case and proposing any further proceedings.
3. By August 29, 2023, Petitioners will move for voluntary dismissal of this petition for writ of mandamus if EPA has responded to the Administrative Petition by August 15, 2023.
4. The Parties will inform the court in their joint status report whether they were able to resolve Petitioners' claims for fees. If the Parties do not reach an agreement on the fees, Petitioners reserve their right to pursue a claim for EAJA attorneys' fees and costs. EPA reserves its defenses if such a claim is filed.
5. The stay of proceedings, entered on October 5, 2022, is extended until August 22, 2023.