

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

Southeastern Legal Foundation, Inc.,)	
et al.,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 1:15-cv-02488-TCB
)	
United States Environmental)	
Protection Agency, et al.,)	
)	
Defendants.)	

**FEDERAL DEFENDANTS’ MOTION
TO CONTINUE STAY OF PROCEEDINGS**

The United States Environmental Protection Agency and the United States Army (collectively, “Federal Defendants”) hereby move for a stay of all proceedings in this case pending a decision from the United States Court of Appeals for the Sixth Circuit on the question of its jurisdiction under 33 U.S.C. § 1369(b)(1) to review challenges to the Clean Water Rule, 80 Fed. Reg. 37,054 (June 29, 2015).¹ For the reasons stated in the attached memorandum of law, Federal Defendants request that the Court grant the motion.

¹ This case was initially stayed pending a decision from the United States Judicial Panel on Multidistrict Litigation, and the Panel has now ruled.

Counsel for Defendants conferred with counsel for Plaintiffs regarding this motion. Counsel for Plaintiffs indicated that Plaintiffs consent to a stay of proceedings in this Court until the Sixth Circuit issues a decision on jurisdiction, or until the Eleventh Circuit Court of Appeals issues a decision on the same jurisdictional issue in *Georgia v. McCarthy*, No. 15-14035 (11th Cir.), whichever comes sooner.²

Dated: October 20, 2015

Respectfully submitted,

JOHN C. CRUDEN
Assistant Attorney General
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/s/ Martha C. Mann
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² *Georgia v. McCarthy* is the appeal of a district court order denying a preliminary injunction in a challenge of the Clean Water Rule. *Georgia v. McCarthy*, No. 2:15-cv-79, 2015 WL 5092568 (S.D. Ga. Aug. 27, 2015). In that order, the district court concluded that jurisdiction lies in the Sixth Circuit. *Id.* at *1.

CERTIFICATE OF SERVICE

I hereby certify that on October 20, 2015, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of this filing to the attorneys of record.

s/ Martha C. Mann