

moved for summary judgment on January 10, 2025. ECF No. 87. The Agencies' response is due by March 10, 2025. ECF No. 86.

2. The Agencies seek to stay the case and all pending summary-judgment deadlines due to the federal government's change in administration on January 20, 2025. Specifically, the Agencies seek a 60-day abeyance period, from March 10, 2025 until May 9, 2025.

3. Good cause exists for this motion. There is new leadership in both Agencies. Those incoming leaders are in the process of familiarizing themselves with the issues presented in this case and related litigation. A stay would allow Defendants time to fully brief incoming leaders. The Court's authority to order such an abeyance is well-settled. *See Landis v. North Am. Co.*, 299 U.S. 248, 253 (1936) ("The power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants."). Requests to continue proceedings to allow time for new leaders to become familiar with cases under their authority are customary. *See Brady Campaign to Prevent Gun Violence v. Salazar*, 612 F. Supp. 2d 1, 10 (D.D.C. 2009) (noting that an extension of a preliminary injunction briefing schedule was granted after a change in administration).

4. Granting Defendants' requested relief would conserve judicial resources and promote the efficient and orderly disposition of this case, including by ensuring that any summary-judgment brief Defendants file with this Court will reflect the views of current agency leadership. Other plaintiffs have challenged the regulations in other cases, which are pending, and one court has already temporarily stayed litigation for 75 days. *See White v. EPA*, Case No. 2:24-cv-13 (E.D.N.C.), ECF. No 70. In addition, the Agencies intend to request similar relief in

other pending cases. *See, e.g., West Virginia v. EPA*, Case No. 3:23-cv-32 (E.D. N.Dak.); *Texas v. EPA*, Case No. 3:23-cv-7 (S.D. Tex.).

For all these reasons, the Agencies request that the Court vacate the scheduling order dated January 8, 2025 (ECF No. 86), stay the case for 60 days (until May 9, 2025), and require that the parties confer and file a joint status report at least 14 days before the end of the abeyance period (by April 25, 2025).

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on February 3, 2025, I filed the foregoing using the Court's CM/ECF system, which will electronically serve all counsel of record registered to use the CM/ECF system.

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