

United §
FOR

Post-it® Fax Note 7671		Date 12/24	# of pages 2
To Keri Powell		From M. A. McMan	
Co./Dept.		Co. Court	
Phone #		Phone # 202-214-7290	
Fax # 202-2356		Fax #	

No. 02-1387 (Compl

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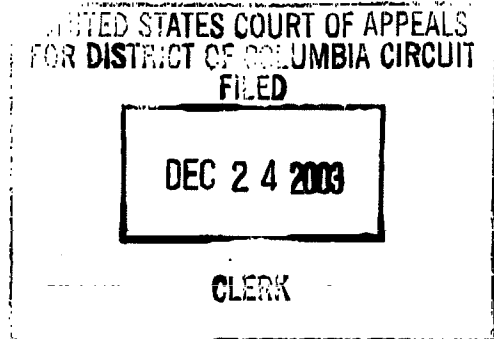
Filed On:

State of New York, et al.,
Petitioners

v.

Environmental Protection Agency,
Respondent

NSR Manufacturers Roundtable, et al.,
Intervenors



Consolidated with 03-1016, 03-1033, 03-1036,
03-1040, 03-1041, 03-1044, 03-1045, 03-1046,
03-1047, 03-1048, 03-1049, 03-1050, 03-1051,
03-1052, 03-1054, 03-1055, 03-1056, 03-1057,
03-1104, 03-1130, 03-1131, 03-1135, 03-1175,
03-1176, 03-1177, 03-1178

03-1380

State of New York, et al.,
Petitioners

v.

Environmental Protection Agency,
Respondent

Consolidated with 03-1381, 03-1383, 03-1390,
03-1402

BEFORE: Edwards, Rogers, and Tatel, Circuit Judges

ORDER

Upon consideration of the motion to consolidate No. 02-1387 et al. with No. 03-1380 et al., the responses thereto, and the reply; the motion to stay filed in No. 02-1387

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 02-1387 (Complex)**September Term, 2003**

et al., the responses thereto, and the reply; and the motions to stay filed in No. 03-1380 et al., the responses thereto, and the reply, it is

ORDERED that the motion to consolidate be denied. It is

FURTHER ORDERED that the alternative request to designate the same panel for No. 03-1380 et al. as is assigned to complex case No. 02-1387 et al. be granted. It is

FURTHER ORDERED that the alternative request to have the same panel hear argument in No. 03-1380 et al. on the same day as it will hear argument in No. 02-1387 et al. be deferred pending further order of the court. It is

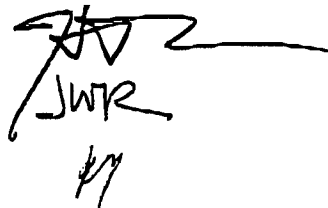
FURTHER ORDERED that the renewed motion to stay the New Source Review rule at issue in No. 02-1387 et al. be denied. Petitioners have not demonstrated sufficient changed circumstances to justify revisiting the order, filed March 6, 2003, denying the original motion to stay. It is

FURTHER ORDERED that the motions to stay the Equipment Replacement rule at issue in No. 03-1380 et al. be granted. Petitioners have demonstrated the irreparable harm and likelihood of success on the merits required for the issuance of a stay pending review. See Washington Metropolitan Area Transit Commission v. Holiday Tours, Inc., 559 F.2d 841, 843 (D.C. Cir. 1977); D.C. Circuit Handbook of Practice and Internal Procedures 33 (2002). It is

FURTHER ORDERED, on the court's own motion, that No. 03-1380 et al. be expedited.

The parties will be notified by separate orders of the briefing format and schedule for No. 02-1387 et al. and for No. 03-1380 et al.

Per Curiam



JWR
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