



November 17, 2010

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****MEDIA ALERT****

EPA Global Warming Litigation: U.S. Court of Appeals Consolidates Two Matters, Heads Toward Ruling on Motion to Stay EPA Scheme

WASHINGTON, DC: The U.S. Court of Appeals for the District of Columbia's three-judge panel has issued an important *per curiam* order (No. 09-1322) that consolidates two key issues in the current multi-party challenges against the U.S. Environmental Protection Agency's (EPA's) greenhouse gas emissions regulations in several key matters, including the following:

- The Court granted in part the motion for coordination of related lead cases, but denied the motion to assign the cases to a single merits judicial panel.
- The Court granted the motions to consolidate the challenges dealing with the Johnson Memo and the Tailoring Rule – both lead issues in the litigation.
- The Court denied the motions to consolidate the Sierra Club case with the lead cases challenging the EPA's Endangerment Finding.
- Cases involving the Center for Biological Diversity and Sierra Club have been ordered severed from the larger group of cases, consolidated, and held in abeyance.

“The Court’s rulings are a positive development that will help streamline the various appeals in the comprehensive legal challenges against the EPA’s efforts to foist a rushed, ill-conceived, and economically devastating regulatory regime on America,” said Shannon L. Goessling, Southeastern Legal Foundation Executive Director and Chief Legal Counsel representing 14 member of Congress and 16 professional associations and companies in the litigation challenge. **“Keep in mind that all of the EPA’s current efforts to redraw American energy policy are being done without Congressional oversight and input – which is required by the Clean Air Act. That’s a primary reason we’re in this battle.”**