

**ORAL ARGUMENT NOT YET SCHEDULED**

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

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STATE OF CALIFORNIA, et al.,		)	
		)	
Petitioners,		)	
		)	
v.		)	No. 21-1018 (and
		)	consolidated cases)
UNITED STATES ENVIRONMENTAL		)	
PROTECTION AGENCY, et al.,		)	
		)	
Respondents.		)	
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**JOINT MOTION TO GOVERN FURTHER PROCEEDINGS**

On February 17, 2021, this Court ordered that the above-captioned consolidated cases be held in abeyance pending further order of the Court, with motions to govern future proceedings due by August 17, 2021. That abeyance was extended on August 26, 2021, until November 15, 2021, so that EPA could complete its review of the rule challenged in this case, entitled “Control of Air Pollution from Airplanes and Airplane Engines: GHG Emission Standards and Test Procedures” (the “Airplane Rule” or the “Rule”). 86 Fed. Reg. 2136 (Jan. 11, 2021). EPA committed to inform the parties and the Court by that date whether it planned to commence a reconsideration proceeding or new rulemaking pertaining

to the Airplane Rule. EPA has concluded that it will not do so at this time, so all parties agree that the abeyance should be lifted and that this challenge should proceed on the merits.

As this case includes multiple petitioners, movant-intervenors, and movant-amicus curiae, the parties jointly request that the Court allow the parties an opportunity to negotiate a comprehensive proposal for briefing schedule and format. The parties hereby respectfully request that the Court order the parties to submit a briefing proposal, or proposals, to the Court no later than December 6, 2021.

DATED: November 15, 2021

Respectfully submitted,

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### CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing Joint Motion to Govern complies with the requirements of Fed. R. App. P. 32(a)(5) and (6) because it has been prepared in 14-point Times New Roman, a proportionally spaced font.

I further certify that the foregoing complies with the type-volume limitation of Fed. R. App. P. 27(2)(A) because it contains approximately 208 words, excluding exempted portions, according to the count of Microsoft Word.

/s/ Chloe H. Kolman

CHLOE H. KOLMAN

### CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Joint Motion to Govern have been served through the Court's CM/ECF system on all registered counsel this 15th day of November, 2021.

/s/ Chloe H. Kolman

CHLOE H. KOLMAN