

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

ARKANSAS DEPARTMENT OF ENERGY
AND ENVIRONMENT, DIVISION OF
ENVIRONMENTAL QUALITY,

Plaintiff,

v.

U.S. ENVIRONMENTAL PROTECTION
AGENCY; MICHAEL REGAN, IN HIS
OFFICIAL CAPACITY AS
ADMINISTRATOR OF THE UNITED
STATES ENVIRONMENTAL
PROTECTION AGENCY,

Defendants.

Case No. 4:22-cv-359 (BSM)

JOINT MOTION TO STAY CASE

Plaintiff Arkansas Department of Energy and Environment, Division of Environmental Quality (DEQ) and Defendants, the U.S. Environmental Protection Agency and Michael Regan, in his official capacity as Administrator of the U.S. Environmental Protection Agency (collectively, EPA), through counsel, respectfully move to stay all proceedings in this case for 60 days to allow the parties to explore whether a basis for settlement of this action exists. In support of the motion, the parties state as follows:

1. On July 1, 2022, the Court denied EPA's Motion to Dismiss and ordered the parties to jointly provide a date for a hearing on DEQ's Motion for Preliminary Injunction (Dkt. 28).

2. On July 8, 2022, the parties filed a Joint Motion Establishing a Briefing Schedule for Summary Judgment (Dkt. 29), based on EPA's agreement to stay further administrative activities related to the challenged permits pending an outcome on the merits of the case.

3. On July 8, 2022, the Court granted the parties Joint Motion and denied DEQ's Motion for Preliminary Injunction as moot in light of the agreement of the parties (Dkt. 30).

4. Pursuant to the Court's July 8 order, DEQ's Motion for Summary Judgment is due on September 16, 2022, EPA's Cross-Motion for Summary Judgment and Response to DEQ's Motion is due on October 14, 2022, DEQ's Reply in support of its Motion and Response to EPA's Motion is due on November 4, 2022, and EPA's Reply in support of its Motion is due on November 25, 2022 (*Id.*).

5. The parties move to stay this action for a period of 60 days, which will allow them to explore potential resolution of this matter while conserving party and Court resources.

6. The parties will file a status report with the Court apprising of the status of discussions within 3 days after the end of the 60-day stay.

7. Each party reserves the right to lift the stay at any time and seek the resumption of briefing. In addition, the parties reserve the right to extend the stay beyond 60 days to allow further discussions.

8. If the parties do not agree that discussions should continue, the parties will propose a briefing schedule in their status report.

Dated: August 22, 2022

Respectfully Submitted,

/s/ David P. Ross

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Dated: August 22, 2022

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