

FILED

UNITED STATES COURT OF APPEALS

AUG 11 2015

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NATURAL RESOURCES DEFENSE
COUNCIL,

Petitioner,

v.

U.S. ENVIRONMENTAL PROTECTION
AGENCY,

Respondent,

DOW AGROSCIENCES LLC,

Respondent-Intervenor.

Nos. 14-73353, 15-71213

ORDER

CENTER FOR FOOD SAFETY; et al.,

Petitioners,

v.

U.S. ENVIRONMENTAL PROTECTION
AGENCY and GINA MCCARTHY, in her
official capacity as Administrator,

Respondents,

DOW AGROSCIENCES LLC,

Respondent-Intervenor.

Nos. 14-73359, 15-71207

Before: SCHROEDER, CANBY, and KOZINSKI, Circuit Judges.

These are consolidated petitions for review of the Environmental Protection Agency's ("EPA") decision and amended decision granting registration of Enlist Duo herbicide.

Petitioners' motions to amend petitions for review Nos. 14-73353 and 14-73359 are denied as unnecessary. Petitioners have filed new petitions for review, Nos. 15-71207 and 15-71213, of the EPA's amended decision.

Respondent-intervenor Dow AgroSciences LLC's ("Dow") motions to transfer these petitions for review to the United States Court of Appeals for the District of Columbia Circuit are denied. *See* 7 U.S.C. § 136n(b).

The unopposed motions for a protective order are granted. The proposed amended protective order submitted June 18, 2015 is entered.

Dow's motion to file a supplemental response to petitioners' reply in support of the motion for stay in No. 14-73359 is granted.

The motions of CropLife America to file amicus briefs opposing petitioner National Resources Defense Council's motions for stay in Nos. 14-73353 and 15-71213 are granted.

Petitioners' motions for a stay pending appeal are denied. *Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7 (2008).

The court sua sponte expedites the briefing and hearing of these petitions.

The following briefing schedule shall govern these consolidated petitions: the consolidated opening brief(s) are due September 15, 2015; the consolidated answering brief(s) are due October 15, 2015; and the consolidated optional reply brief(s) are due within 14 days after service of the answering brief.

All parties on a side are encouraged to join in a single brief to the greatest extent practicable. *See* 9th Cir. R. 28-4.

Any request for an extension of time to file a brief is disfavored; any such relief must be requested under Ninth Circuit Rule 31-2.2(b).

The Clerk shall place these consolidated petitions on the first available calendar following the completion of briefing.