

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

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VIRGINIA DEPARTMENT OF)
TRANSPORTATION, <i>et al.</i> ,)
)
Plaintiffs,)
)
v.)
)
UNITED STATES ENVIRONMENTAL)
PROTECTION AGENCY, <i>et al.</i> ,)
)
Defendants.)
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Civil Action No. 1:12-cv-00775-LO-TRJ

CONSENT ORDER

Before the Court is the Consent Motion to Allow Intervention and Set Briefing Schedule (“Consent Motion”) filed by Plaintiffs Virginia Department of Transportation and Board of Supervisors of Fairfax County, Virginia (collectively, “Plaintiffs”); Defendants United States Environmental Protection Agency, Lisa P. Jackson, Administrator, United States Environmental Protection Agency Region III, and Shawn M. Garvin, Regional Administrator (collectively, “Defendants”); and moving parties NAIOP Northern Virginia, the Commercial Real Estate Development Association (“NAIOP”), the National Association of Home Builders (“NAHB”), and the Northern Virginia Association of Realtors® (“NVAR”) (collectively, “Interveners”). Based upon the agreement of the parties and for good cause shown, it is hereby:

ORDERED that the Consent Motion is GRANTED, and it is further

ORDERED that Interveners’ Motion to Intervene as Plaintiffs [Dkt. 13] is GRANTED and the Interveners’ Complaint attached as Exhibit 1 to the Memorandum in Support of Motion to Intervene as Plaintiffs [Dkt. 14] is deemed filed as of the date of this Order. Defendants’

Answer to the existing Plaintiffs' Complaint [Dkt, 7] shall be deemed a response to the Interveners' Complaint, and Defendant shall not be required to file an Answer or other responsive pleadings to the Interveners' Complaint. To the extent the Interveners' Complaint contains allegations not responded to in Defendants' Answer, those allegations are hereby deemed denied. Defendants reserve all defenses; and it is further

ORDERED that the parties shall abide by the following briefing schedule:


1. Plaintiffs shall file their Rule 12(c) motion and their motion regarding expert evidence ("December Motions") and no more than one joint supporting memorandum for each motion on or before November 16, 2012, and they shall notice these motions for hearing on December 14, 2012. Any opening memoranda shall not exceed thirty pages. Interveners are hereby deemed to have joined in the December Motions, and they shall not file separate motions or opening memoranda.

2. Defendants shall file their opposition to the December Motions on or before December 5, 2012. The memorandum supporting Defendants' opposition to the Rule 12(c) motion shall not exceed forty pages.

3. Plaintiffs and Interveners shall file any reply briefs on or before December 12th, 2012. Plaintiffs shall file no more than one joint reply brief for each motion. Plaintiffs' reply briefs shall not exceed twenty pages. Interveners shall be permitted to file a reply in support of the Rule 12(c) motion only. Interveners' reply brief shall not exceed ten pages.

4. Plaintiffs shall notice the December Motions for hearing on December 14, 2012.

Entered this 15 day of November 2012.



Liam O'Grady
United States District Judge