## United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 10-1113

September Term 2011

DOE-75FR20112 DOE-EE-2006

Filed On: September 26, 2011

Hearth, Patio & Barbecue Association,

Petitioner

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United States Department of Energy,

Respondent

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Natural Resources Defense Council, Intervenor

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Consolidated with 10-1181

**BEFORE:** Henderson, Rogers, and Tatel, Circuit Judges

#### ORDER

Upon consideration of the motion to establish briefing schedule, the responses thereto, and the reply; and the motion to govern future proceedings and to hold cases in abeyance, the response thereto, and the reply, it is

**ORDERED** that these consolidated cases be removed from abeyance, and that the following briefing schedule apply:

Petitioner's Brief

January 3, 2012

(not to exceed 14,000 words)

Respondent's Brief (not to exceed 14,000 words)

February 2, 2012

# United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

#### No. 10-1113

### September Term 2011

Intervenor's Brief February 17, 2012

(not to exceed 8,750 words)

Petitioner's Reply Brief March 2, 2012

(not to exceed 7,000 words)

Deferred Appendix March 9, 2012

Final Briefs March 16, 2012

The Clerk is directed to schedule oral argument on the first appropriate date following the completion of briefing. The parties will be notified by separate order of the oral argument date and composition of the merits panel.

The court reminds the parties that

In cases involving direct review in this court of administrative actions, the brief of the appellant or petitioner must set forth the basis for the claim of standing. . . . When the appellant's or petitioner's standing is not apparent from the administrative record, the brief must include arguments and evidence establishing the claim of standing.

See D.C. Cir. Rule 28(a)(7).

Parties are strongly encouraged to hand deliver the paper copies of their briefs to the Clerk's office on the date due. Filing by mail may delay the processing of the brief. Additionally, counsel are reminded that if filing by mail, they must use a class of mail that is at least as expeditious as first-class mail. See Fed. R. App. P. 25(a). All briefs and appendices must contain the date that the case is scheduled for oral argument at the top of the cover. See D.C. Cir. Rule 28(a)(8).

#### Per Curiam