

DISTRICT COURT, DENVER COUNTY, STATE OF COLORADO 1437 Bannock Street, Room 256 Denver, CO 80202 Phone Number: 720-865-8301	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
<p>Plaintiff:</p> <p>FREEDOM TO DRIVE INC.</p> <p>v.</p> <p>Defendant:</p> <p>THE COLORADO AIR QUALITY CONTROL COMMISSION</p>	
<p><i>Attorneys for Plaintiff:</i> John M. Tanner, Reg. No. 16233 Erica A. Jacobson, Reg. No. 45874 Fairfield and Woods, P.C. 1801 California Street, Suite 2600 Denver, CO 80202 Main Telephone: (303) 830-2400 Facsimile: (303) 830-1033 E-Mail: jtanner@fwlaw.com ejacobson@fwlaw.com</p>	<p>Case Number: 2019CV34156</p> <p>Division: 259 Courtroom:</p>
<p>STATUS REPORT</p>	

Plaintiff, Freedom To Drive (“FTD”), by and through its attorneys, Fairfield and Woods, P.C., respectfully submits the following Status Report pursuant to this Court’s January 16, 2020 Order Granting the Joint Motion to Hold the Case in Abeyance and directing quarterly updates on the status of the federal litigation, now on appeal in the District of Columbia Court of Appeals:

STATUS OF THE FEDERAL LITIGATION

On May 20, 2020, the U.S. Court of Appeals for the District of Columbia Circuit set a briefing schedule for the consolidated matters before it. *See* attached Exhibit A.

The expectation is that the matter will be set for oral argument after briefing is concluded, but that is not certain.

Respectfully submitted this 17th day of July, 2020.

FAIRFIELD AND WOODS, P.C.

By: *s/ John M. Tanner*
John M. Tanner
Erica A. Jacobson

*Attorneys for Plaintiff,
Freedom To Drive*

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing **STATUS REPORT** was E-filed via the Colorado Court's E-filing System this 17th day of July, 2020, and E-served upon the following or as indicated below:

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By: s/ Sharon Y. Meyer
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United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 19-1230

September Term, 2019

EPA-84FR51310
NHTS-84FR51310

Filed On: May 20, 2020

Union of Concerned Scientists, et al.,

Petitioners

v.

National Highway Traffic Safety Administration,

Respondent

Automotive Regulatory Council, Inc., et al.,
Intervenors

Consolidated with 19-1239, 19-1241, 19-1242,
19-1243, 19-1245, 19-1246, 19-1249

BEFORE: Henderson and Wilkins, Circuit Judges

ORDER

Upon consideration of the joint briefing proposal, the supplements thereto, and the responses in opposition to the second supplement; and the motion to complete the administrative record, the response thereto, and the reply, it is

ORDERED that the motion to complete the administrative record be referred to the merits panel to which these consolidated cases are assigned. The parties are directed to address in their briefs the issues presented in the motion rather than incorporate those arguments by reference. It is

FURTHER ORDERED that the following briefing format and schedule will apply in these consolidated cases:

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 19-1230**September Term, 2019**

Petitioners' Briefs (up to four briefs, not to exceed 26,000 words in the aggregate)	June 26, 2020
Briefs of Amici Curiae Supporting Petitioners and Amici Curiae Supporting Neither Party, if any (not to exceed 6,500 words)	July 6, 2020
Respondents' Brief (not to exceed 26,000 words)	September 9, 2020
Briefs of Amici Curiae Supporting Respondents, if any (not to exceed 6,500 words)	September 16, 2020
Briefs of Intervenors for Respondent (up to two briefs, not to exceed 18,200 words in the aggregate)	September 22, 2020
Petitioners' Reply Briefs (up to four briefs, not to exceed 13,000 words in the aggregate)	October 13, 2020
Deferred Appendix	October 20, 2020
Final Briefs	October 27, 2020

The parties will be informed later of the date of oral argument and the composition of the merits panel.

All issues and arguments must be raised by petitioners in the opening briefs. The court ordinarily will not consider issues and arguments raised for the first time in the reply briefs.

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

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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).

To enhance the clarity of their briefs, the parties are urged to limit the use of abbreviations, including acronyms. While acronyms may be used for entities and statutes with widely recognized initials, briefs should not contain acronyms that are not widely known. See D.C. Circuit Handbook of Practice and Internal Procedures 43 (2019); Notice Regarding Use of Acronyms (D.C. Cir. Jan. 26, 2010).

Parties may hand deliver the paper copies of their briefs to the Clerk's office on the date due, if feasible. See Standing Order – In re: Paper Copies of Electronic Filings in Light of the COVID-19 Pandemic (D.C. Cir. April 1, 2020). 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

FOR THE COURT:

Mark J. Langer, Clerk

BY: /s/
Manuel J. Castro
Deputy Clerk

United States Court of Appeals

District of Columbia Circuit
Washington, D.C. 20001-2866

Mark J. Langer
Clerk

(202) 216-7300

NOTICE TO COUNSEL:

SCHEDULING ORAL ARGUMENT

The court has entered an order setting a briefing schedule in a case in which you are counsel of record. Once a briefing order has been entered, the case may be set for oral argument.

You will be notified by separate order of the date and time of oral argument. Once a case has been calendared, the Clerk's Office cannot change the argument date, and ordinarily the court will not reschedule it. Any request to reschedule must be made by motion, which will be presented to a panel of the court for disposition. The court disfavors motions to postpone oral argument and will grant such a motion only upon a showing of "extraordinary cause." See D.C. Cir. Rule 34(g).

If you are the arguing counsel, and you will be unavailable to appear for oral argument on a date in the future, so advise the Clerk's Office by letter, filed electronically. The notification should be filed as soon as possible and updated if a potential scheduling conflict arises later, or if there is any change in availability. To the extent possible, the Clerk's Office will endeavor to schedule oral argument to avoid conflicts that have been brought to the court's attention in advance. See D.C. Circuit Handbook of Practice and Internal Procedures at IX.A.1, XI.A.

Counsel must notify the court when serious settlement negotiations are underway, when settlement of the case becomes likely, and when settlement is reached. Such notice allows for more efficient allocation of judicial resources. Additionally, counsel should promptly notify the court if settlement negotiations are terminated. Notice must be given in an appropriate motion or by letter to the Clerk at the earliest possible moment. See, e.g., D.C. Circuit Handbook of Practice and Internal Procedures at X.D., XI.A.

Rev. March 2017