

**IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF COLUMBIA**

CITIZENS FOR RESPONSIBILITY AND)	
ETHICS IN WASHINGTON, CENTER)	
FOR BIOLOGICAL DIVERSITY,)	
ENVIRONMENTAL INTEGRITY PROJECT,)	
ECOLOGICAL RIGHTS FOUNDATION and)	
OUR CHILDREN’S EARTH FOUNDATION)	
Plaintiffs,)	Case Nos. 19-cv-2181-KBJ,
)	19-cv-2198-KBJ, and
v.)	19-cv-3270-KBJ
)	(Consolidated Cases)
UNITED STATES ENVIRONMENTAL)	
PROTECTION AGENCY)	
Defendant.)	

**MOTION FOR LEAVE TO FILE SUR-REPLY AND CORRECTED
DECLARATION OF STUART WILCOX**

Plaintiffs Ecological Rights Foundation and Our Children’s Earth Foundation (collectively “EcoRights”) continue to respectfully request that the Court deny EPA’s Motion for Leave to File a Sur-Reply. EPA’s Motion for Leave, this Motion, and the additional sur-reply briefing that EcoRights intends to request if EPA’s Motion for Leave is granted underscore how EPA’s Motion for Leave needlessly multiplies briefing in this case, and EPA’s sur-reply briefing raises only issues that need not be decided to grant partial summary judgment in EcoRights’ favor and to deny EPA’s Motion to Dismiss. EcoRights provides the instant motion only to address a misstatement counsel made in the Second Declaration of Stuart Wilcox, Dkt. 31-1, where counsel unintentionally omitted certain immaterial communications from EPA and to address the relevance, or lack thereof, of those communications to the case at hand.

Counsel for EcoRights conferred with counsel for EPA, who indicated that EPA

opposes the relief requested in this Motion.

Date: August 5, 2020

Respectfully submitted,

/s/ Stuart Wilcox

Stuart Wilcox (Bar No. CO0062)

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