

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS**

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BP EXPLORATION & PRODUCTION INC.,)	
et al.,)	
)	
	Plaintiffs,)	
	v.)	No. 4:13-cv-2349
)	
GINA McCARTHY, in her official capacity)	Hon. Vanessa D. Gilmore
as Administrator, United States)	
Environmental Protection Agency, et al.,)	
)	
	Defendants.)	
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**MOTION OF PUBLIC CITIZEN, INC., FOR LEAVE TO FILE A MEMORANDUM AS
AMICUS CURIAE IN SUPPORT OF EPA’S MOTION FOR SUMMARY JUDGMENT
AND IN OPPOSITION TO BP’S MOTION FOR SUMMARY JUDGMENT**

Amicus Curiae Public Citizen, Inc., respectfully moves for leave to file the attached 10-page memorandum in support of EPA’s motion for summary judgment and in opposition to the plaintiffs’ motion for summary judgment. Defendants EPA et al. have consented to this motion. Plaintiffs BP Exploration & Production Inc. et al. have stated that they reserve their right to consent or object pending review of Public Citizen’s filings.

As set forth in greater detail in its proposed amicus curiae memorandum submitted herewith, Public Citizen is a national consumer advocacy organization that works for enactment and enforcement of laws protecting consumers, workers, and the public, and seeks to hold both government and corporations accountable to the people. Public Citizen believes that the suspension decision challenged in this case lawfully serves those interests.

Public Citizen moves for leave to file the accompanying amicus curiae memorandum to address specific arguments made by BP and its supporting amici curiae, the Chamber of Commerce et al. (“the Chamber”), concerning the applicability of EPA’s suspension order to BP

affiliates and of the Clean Water Act disqualification to BP Exploration's headquarters. Public Citizen believes that this memorandum may assist the Court in its consideration of the case without posing undue burdens or unnecessarily repeating arguments made by EPA.

For these reasons, Public Citizen respectfully requests leave to file the attached memorandum as *amicus curiae*.

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Respectfully submitted,
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Attorneys for Amicus Curiae

February 4, 2014

CERTIFICATE OF CONFERENCE

I hereby certify that on February 3 and 4, 2014, cocounsel for amici conferred by email with Andrew Bloomer, counsel for plaintiffs, regarding Public Citizen's motion for leave to file a memorandum as amicus curiae. Mr. Bloomer responded that plaintiffs reserve their consent or opposition to the motion for leave to file the amicus curiae memorandum pending their review of Public Citizen's filings. I further certify that on February 3, 2013, cocounsel for amici conferred by e-mail with Angeline Purdy, counsel for defendants, regarding Public Citizen's motion for leave to file a memorandum as amicus curiae. Ms. Purdy stated that that defendants consent to Public Citizen's motion for leave to file the amicus curiae memorandum.

s/ Charles W. Irvine

Charles Irvine

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document has been served on all counsel of record via CM/ECF on February 4, 2014.

s/ Charles W. Irvine

Charles Irvine