

**NOT SCHEDULED FOR ORAL ARGUMENT**  
**IN THE UNITED STATES COURT OF APPEALS**  
**FOR THE SEVENTH CIRCUIT**

STATE OF WISCONSIN,

*Petitioner,*

v.

U.S. ENVIRONMENTAL PROTECTION  
AGENCY and LEE ZELDIN, Administrator,  
U.S. Environmental Protection Agency,

*Respondents.*

Case No. 25-1239

**RESPONDENTS' RESPONSE TO MOTION TO STAY**

Petitioner State of Wisconsin seeks review of an EPA action entitled, “Findings of Failure to Attain and Reclassification of Areas in Illinois, Indiana, Michigan, Ohio, and Wisconsin as Serious for the 2015 Ozone National Ambient Air Quality Standards,” 89 Fed. Reg. 101901 (Dec. 17, 2024) (the “Rule”). On August 15, 2025, Wisconsin filed a motion to stay the Rule as applied to three nonattainment areas in Wisconsin. Doc. 12.

EPA takes no position on the relief requested in Wisconsin’s motion. In taking no position, EPA does not waive any defenses it has in this litigation or any authority it has to reconsider, amend, rescind, or otherwise take administrative action regarding the Rule.

Respectfully submitted,

ADAM R.F. GUSTAFSON

*Acting Assistant Attorney General*

*Of Counsel:*

KAYTRUE TING

Office of the General Counsel  
U.S. Environmental Protection  
Agency  
Washington, D.C.

September 3, 2025

*s/ Laura J. Glickman*

LAURA J. GLICKMAN

Environmental Defense Section  
Environment and Natural Resources  
Division  
U.S. Department of Justice  
P.O. Box 7611  
Washington, D.C. 20044  
(202) 514-6390  
laura.glickman@usdoj.gov

**CERTIFICATE OF COMPLIANCE**

I certify that this filing complies with Fed. R. App. P. 27(d)(1)(E) because it uses 14-point Times New Roman, a proportionally spaced font.

I also certify that this motion complies with Fed. R. App. P. 27(d)(2)(A), because by Microsoft Word's count, it has 112 words, excluding the parts exempted under Fed. R. App. P. 32(f).

Finally, I certify that on September 3, 2025, I filed the foregoing with the Court's CMS/ECF system, which will notify each represented party.

*s/ Laura J. Glickman*

LAURA J. GLICKMAN  
Environmental Defense Section  
Environment and Natural Resources  
Division  
U.S. Department of Justice  
P.O. Box 7611  
Washington, D.C. 20044  
(202) 514-6390  
laura.glickman@usdoj.gov