

No. 19-70115

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IN THE  
**United States Court of Appeals**  
**for the Ninth Circuit**

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NATIONAL FAMILY FARM COALITION, et al.,  
*Petitioners,*

v.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, et al.,  
*Respondents,*  
MONSANTO COMPANY,  
*Intervenor-Respondent,*

and

E. I. DU PONT DE NEMOURS AND COMPANY,  
*Proposed Intervenor-Respondent.*

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ON PETITION FOR REVIEW FROM THE UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY

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**E.I. du PONT de NEMOURS AND COMPANY'S EMERGENCY MOTION  
TO INTERVENE UNDER FEDERAL RULE OF APPELLATE  
PROCEDURE 15(d) AND CIRCUIT RULE 27-3**

**RELIEF REQUESTED BY EARLIEST POSSIBLE DATE**

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Company*

**CORPORATE DISCLOSURE STATEMENT**

Pursuant to Federal Rule of Appellate Procedure 26.1, E.I. du Pont de Nemours and Company (“EID”) respectfully submits the following Corporate Disclosure Statement:

EID is a Delaware corporation wholly owned by Corteva, Inc., a publicly traded company. No other corporation holds a 10% or greater ownership interest in EID.

June 12, 2020

Respectfully submitted,

/s/ Kirsten L. Nathanson

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## CIRCUIT RULE 27-3 CERTIFICATE

The undersigned counsel certifies that the following information is true and correct, as required by Circuit Rule 27-3:

**1. Telephone numbers, e-mail addresses, and office addresses of the attorneys for the parties.**

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**2. Facts showing the existence and nature of the emergency.**

Proposed-Intervenor E.I. du Pont de Nemours and Company (“EID”) seeks to immediately intervene in this proceeding to protect its property interest in the U.S. Environmental Protection Agency registration of its product, known as DuPont FeXapan Herbicide (“FeXapan”). On June 3, 2020, this Court issued an opinion and judgment that vacated EID’s FeXapan registration. The Court issued the mandate concurrently with the opinion and judgment. EID is now unable to

sell its FeXapan product.

EID has an immediate interest in future proceedings, including on Petitioners' June 11, 2020 Emergency Motion to Enforce this Court's Vacatur and to Hold EPA in Contempt (ECF No. 127-1), and any other upcoming motion or rehearing practice. If EID's motion to intervene is not heard on an emergency basis, EID could lose the opportunity to participate and defend its property interest in the FeXapan product registration.

**3. Explain why the motion could not have been filed earlier.**

This issue is discussed in detail in the enclosed motion as part of the timeliness element of intervention. EID is seeking intervention within ten days of the vacatur of the FeXapan registration by this Court. As explained in the motion, EID had no reasonable basis to conclude that its property interest in FeXapan was at issue in this proceeding prior to the Court's action, and particularly during the 30-day window for intervention under Federal Rule of Appellate Procedure 15.

**4. When and how counsel notified.**

Proposed-Intervenor's counsel notified the Clerk's Office by email on the morning of June 12, 2020, and notified counsel for all Parties by email on June 11, 2020. Respondents and Respondent-Intervenor do not oppose this motion. Petitioners indicated they will oppose. Service will be made upon all Parties by means of electronic service through the Court's CM/ECF system.

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