

Circuit Rule 28

Briefs

(a) Contents of Briefs: Additional Requirements. Briefs for an appellant/petitioner and an appellee/respondent, and briefs for an intervenor and an amicus curiae, must contain the following in addition to the items required by FRAP 28:

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(7) **Standing.** 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 standing. This section, entitled "Standing," must follow the summary of argument and immediately precede the argument. ~~When the appellant's or petitioner's standing is not apparent from the administrative record, the~~ The brief must include arguments and cite evidence establishing by a "substantial probability" the claim of standing. See *Sierra Club v. EPA*, 292 F.3d 895, 898 ~~900-01~~ (D.C. Cir. 2002). If the supporting evidence is ~~lengthy, and~~ not contained in the administrative record, it ~~must may~~ be included in an ~~presented in a separate~~ addendum to the brief. If it is bound with the brief, the addendum must be separated from the body of the brief (and from any other addendum) by a distinctly colored separation page. Any addendum exceeding 40 pages must be bound separately from the brief.