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12 UNITED STATES DISTRICT COURT  
13 EASTERN DISTRICT OF CALIFORNIA

14 THE UNITED STATES OF AMERICA,  
15 Plaintiff,  
16 v.

CASE NO. 2:19-cv-02142-WBS-EFB

**WCI, INC. DEFENDANTS’ NOTICE OF  
CROSS-MOTION AND CROSS-MOTION  
FOR SUMMARY JUDGMENT**

17 THE STATE OF CALIFORNIA; GAVIN  
18 C. NEWSOM, in his official capacity as  
19 Governor of the State of California; THE  
20 CALIFORNIA AIR RESOURCES  
21 BOARD; MARY D. NICHOLS, in her  
22 official capacity as Chair of the California  
23 Air Resources Board and as Vice Chair and  
24 a board member of the Western Climate  
25 Initiative, Inc.; WESTERN CLIMATE  
26 INITIATIVE, INC.; JARED  
27 BLUMENFELD, in his official capacity as  
28 Secretary for Environmental Protection and  
as a board member of the Western Climate  
Initiative, Inc.; KIP LIPPER, in his official  
capacity as a board member of the Western  
Climate Initiative, Inc.; and RICHARD  
BLOOM, in his official capacity as a board  
member of the Western Climate Initiative,  
Inc.,

Complaint Filed: October 23, 2019  
Trial Date: Not Yet Scheduled

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**Date:** March 9, 2020  
**Time:** 1:30 PM  
**Courtroom:** 5  
**Judge:** William B. Shubb

Defendants.

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<sup>1</sup> The WCI, Inc. Defendants are Western Climate Initiative, Inc. (“WCI, Inc.”); Mary D. Nichols, in her official capacity as Vice Chair and a board member of WCI, Inc.; Jared Blumenfeld, Kip Lipper, and Richard Bloom, in their official capacities as board members of WCI, Inc.

1 TO ALL PARTIES AND THEIR ATTORNEY(S) OF RECORD:

2 PLEASE TAKE NOTICE that on March 9, 2020, at 1:30 p.m., or as soon thereafter as this  
3 matter may be heard in Department 5 of the above-entitled court located at 501 I Street, Sacramento,  
4 California 95814, Defendants Western Climate Initiative, Inc. (“WCI, Inc.”), Mary D. Nichols, in  
5 her official capacity as Vice Chair and a board member of WCI, Inc., and Jared Blumenfeld, Kip  
6 Lipper, and Richard Bloom, in their official capacities as board members of WCI, Inc. (collectively,  
7 “WCI, Inc. Defendants”) will, and hereby do, move this Court for an order granting summary  
8 judgment in their favor and against Plaintiff United States of America (“Plaintiff”) as to the First  
9 and Second Claims in Plaintiff’s Complaint (“Cross-Motion”).

10 The WCI, Inc. Defendants make this Cross-Motion pursuant to Federal Rule of Civil  
11 Procedure 56 and Local Rule 260 on the grounds that there are no triable issues of material fact as  
12 to Plaintiff’s first and second claims for violations of the Treaty and Compact Clauses as to the  
13 WCI, Inc. Defendants and such Defendants are entitled to judgment as a matter of law.

14 This Cross-Motion is based upon this Notice of Cross-Motion and Cross-Motion for  
15 Summary Judgment, the Memorandum of Points and Authorities in support thereof, the Separate  
16 Statement of Material Facts, the Declaration of Greg Tamblyn and all attachments thereto, and the  
17 Opposition to Plaintiff’s Motion for Summary Judgment, including all documents submitted in  
18 support thereof and joinders related thereto, all filed concurrently herewith, any and all pleadings,  
19 papers and records on file in this action, all matters of which this Court has taken judicial notice,  
20 and upon any additional documents, evidence and arguments of counsel as may be presented at the  
21 hearing on the Motion and this Cross-Motion.

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23 DATED: February 10, 2020

DELFINO MADDEN O’MALLEY COYLE &  
KOEHLER LLP

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25  
26 By: /s/ Monica Hans Folsom

MONICA HANS FOLSOM  
KRISTIN N. IVANCO  
Attorneys for WCI, Inc. Defendants