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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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THE UNITED STATES OF AMERICA,

Plaintiff,

v.

No. 2:19-cv-02142 WBS EFB

ORDER

THE STATE OF CALIFORNIA; GAVIN
C. NEWSOM, in his official
capacity as Governor of the
State of California; THE
CALIFORNIA AIR RESOURCES BOARD;
MARY D. NICHOLS, in her official
capacity as Chair of the
California Air Resources Board
and as Vice Chair and a board
member of the Western Climate
Initiative, Inc.; WESTERN
CLIMATE INITIATIVE, INC.; JARED
BLUMENFELD, in his official
capacity as 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.,

Defendants.

1 The court notes that although the First Amended
2 Complaint in this action contains four causes of action the
3 parties in their cross-motions have moved for summary judgment
4 only on the Article I Treaty Clause and Compact Clause claims.
5 (Docket Nos. 12, 46, 50.) The court does not wish to decide this
6 case piecemeal unless necessary. Therefore, on or before Monday,
7 March 2, 2020 at noon (PST), each of the parties is hereby
8 ORDERED to provide a short supplemental brief explaining the
9 reasons why they have not also moved for summary judgment on the
10 Foreign Affairs Doctrine and Foreign Commerce Clause claims.

11 IT IS SO ORDERED.

12 Dated: February 26, 2020



13 WILLIAM B. SHUBB
14 UNITED STATES DISTRICT JUDGE
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