

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

STATE OF CALIFORNIA, *et al.*,

Plaintiffs,

NATIONAL COALITION FOR
ADVANCED TRANSPORTATION, *et al.*

Plaintiff-Intervenors,

v.

ELAINE L. CHAO, in her capacity as
Secretary, United States Department of
Transportation, *et al.*,

Defendants.

Case No. 1:19-cv-02826-JMC

Consolidated with 1:19-cv-02907
and 1:19-cv-03436

JOINT STATUS REPORT

Pursuant to this Court's April 26, 2022 order and continued consultations between the parties to these cases, the undersigned parties provide the following status report.

As described in more detail below, the parties are engaged in ongoing consultations regarding the status of this case following the National Highway Traffic Safety Administration's ("NHTSA's") repeal of the Preemption Rule in December 2021. "Corporate Average Fuel Economy (CAFE) Preemption," 86 Fed. Reg. 74,236 (Dec. 29, 2021).

1. On April 11, 2022, this Court ordered the parties to provide a joint status report updating the Court on developments relevant to the resolution of the Federal Defendants' pending motion to dismiss for lack of jurisdiction, Doc. #42. The parties filed that joint status report on April 25, 2022. Doc. #80. In that report, the parties noted that they were in the process

of consulting about the proper path forward in this matter. The following day, the Court ordered the parties to file this second joint status report.

2. Since the Court issued that order, the parties have continued their consultations. On May 24, 2022, the Plaintiffs in case 1:19-cv-02907, a coalition of non-governmental organizations, filed a voluntary dismissal of their complaint under Federal Rule of Civil Procedure 41(a)(1)(A)(i). Doc. #81. The remaining Plaintiffs and Plaintiff-intervenors continue to coordinate efforts and consult with the Federal Defendants as to how these cases should proceed, if at all. Because the remaining Plaintiffs consist of broad coalitions of government entities, the parties require additional time to conclude those discussions and secure whatever approvals may be necessary. Plaintiffs and Plaintiff-intervenors therefore request that the case remain stayed, with the parties to submit a further joint status report within 90 days of the date of this filing.

3. For their part, the Federal Defendants believe that these cases are mooted by NHTSA's December 2021 repeal of the Preemption Rule. The Federal Defendants have continued discussions with the parties regarding the status of these cases and, with the understanding that the remaining Plaintiffs require additional time to determine how to proceed, have no objection to the case remaining stayed while those discussions continue.

Dated: May 26, 2022

Respectfully submitted,

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CERTIFICATE OF SERVICE

Case Name: **State of California, et al. v.** No. **1:19-cv-02826-JMC**
Chao, et al.

I hereby certify that on May 26, 2022, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

JOINT STATUS REPORT

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on May 26, 2022, at San Francisco, California.

Conor Tobin
Declarant

/s/ Conor Tobin
Signature