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8  
 9 IN THE UNITED STATES DISTRICT COURT  
 10 FOR THE EASTERN DISTRICT OF CALIFORNIA

11  
 12 THE UNITED STATES OF AMERICA,  
 13  
 14 Plaintiff,

15 v.

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

2:19-cv-02142-WBS-EFB

**STATE DEFENDANTS' NOTICE OF  
 CROSS-MOTION AND CROSS-MOTION  
 FOR SUMMARY JUDGMENT**

Date: March 9, 2020  
 Time: 1:30 PM  
 Courtroom: 5  
 Judge: Honorable William B. Shubb  
 Trial Date: Not Set  
 Action Filed: 10/23/2019

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 27 <sup>1</sup> The State Defendants are 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  
 28 her official capacity as Chair of the California Air Resources Board; and Jared Blumenfeld, in his  
 official capacity as Secretary for Environmental Protection.

**NOTICE OF MOTION**

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that on March 9, 2020 at 1:30 p.m., or at the Court's convenience thereafter, in Courtroom 5 (the Honorable William B. Shubb presiding), located at 501 I Street, Sacramento, California, State Defendants will and hereby do move for summary judgment in favor of Defendants on Plaintiff's First and Second causes of action in its Amended Complaint.

**CROSS MOTION FOR SUMMARY JUDGMENT**

Pursuant to Rule 56 of the Federal Rules of Civil Procedure, State Defendants move for summary judgment on Plaintiff's Treaty Clause and Compact Clause claims, as alleged in Plaintiff's Amended Complaint as the First and Second causes of action, on the grounds that there is no genuine issue as to any material fact as to either claim, and that State Defendants are entitled to judgment as a matter of law on these claims.

This motion is supported by the State Defendants' Memorandum in Support of State Defendants' Cross-Motion for Summary Judgment and Opposition to Plaintiff's Summary Judgment Motion, Statement of Undisputed Facts, Response to Plaintiff's Statement of Undisputed Facts, Request for Judicial Notice, the Declaration of Michael S. Dorsi and attached exhibits, the Declaration of Rajinder Sahota, other material submitted in this case, any evidence and/or arguments that State Defendants may offer at the hearing on this motion, and any other matter the Court may consider.

Dated: February 10, 2020

Respectfully submitted,

XAVIER BECERRA  
Attorney General of California  
MICHAEL P. CAYABAN  
Supervising Deputy Attorney General

/s/ M. Elaine Meckenstock  
M. ELAINE MECKENSTOCK  
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