

No. 20-1357 (L)

STATE OF CALIFORNIA, by and through Attorney General Rob Bonta
and the California Air Resources Board, et al.,
Petitioners,

v.

MICHAEL REGAN, in his official capacity as Administrator of the
United States Environmental Protection Agency, et al.,
Respondents,

AMERICAN PETROLEUM INSTITUTE et al.,
Intervenors for Respondents.

MOTION OF ALL PETITIONERS FOR VOLUNTARY DISMISSAL

In September 2020, petitioners in these consolidated cases (Cases No. 20-1357, -1359, and -1363) sought this Court’s review of a rule of the U.S. Environmental Protection Agency (EPA) published as “Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review,” 85 Fed. Reg. 57,018 (Sept. 14, 2020) (Rule). As EPA recently notified the Court, the President has now signed and enacted into law a joint resolution of Congress that disapproved the Rule pursuant to the Congressional Review Act. Notice of Congressional Action, ECF No. 1904775 (July 1, 2021). Because the agency action under review “is now without force or effect and cannot be re-promulgated,” *id.* at 2, all petitioners move under Federal Rule of Appellate Procedure 42(b) to voluntarily dismiss their cases, with each party to bear its own costs.

Federal Respondents consent to this motion, as does Intervenor for Respondent American Petroleum Institute. Counsel for the remaining Intervenors for Respondents did not respond to the undersigned's request for positions on this motion sent on July 26, 2021.

Dated: July 29, 2021

Respectfully submitted,

/s/ Matthew Littleton

MATTHEW LITTLETON
Donahue, Goldberg & Littleton
1008 Pennsylvania Avenue SE
Washington, DC 20003
(202) 683-6895
matt@donahuegoldberg.com

PETER ZALZAL
ROSALIE WINN
VICKIE PATTON
Environmental Defense Fund
2060 Broadway, Suite 300
Boulder, CO 80302
(303) 447-7214
pzalzal@edf.org

*Counsel for Petitioner Environmental Defense
Fund in Case No. 20-1359*

Petitioners in Case No. 20-1357

FOR THE STATE OF CALIFORNIA, by and through its Attorney General Rob Bonta, and the California Air Resources Board

ROB BONTA
Attorney General of California

ROBERT BYRNE
EDWARD H. OCHOA
Senior Assistant Attorneys General

GARY E. TAVETIAN
DAVID A. ZONANA
Supervising Deputy Attorneys General

CAITLAN MCLOON
PHILIP M. HOOS
Deputy Attorney General

/s/ Timothy E. Sullivan
TIMOTHY E. SULLIVAN
Deputy Attorney General
1515 Clay Street, 20th Floor
Oakland, CA 94612
(510) 879-0987
timothy.sullivan@doj.ca.gov

FOR THE STATE OF COLORADO,
by and through its Attorney General Philip J. Weiser, and the Colorado Department of Public Health and Environment

PHILIP J. WEISER
Attorney General

ERIC R. OLSON
Solicitor General

SCOTT STEINBRECHER
Assistant Deputy Attorney General
Natural Resources and Environment Section

/s/ Eric R. Olson

ERIC R. OLSON
Solicitor General
Colorado Department of Law
1300 Broadway, 10th Floor
Denver, Colorado 80203
(720) 508-6548
eric.olson@coag.gov

FOR THE STATE OF
CONNECTICUT

WILLIAM TONG

Attorney General

/s/ Jill Lacedonia

JILL LACEDONIA

Assistant Attorney General

Connecticut Office of the Attorney
General

165 Capitol Avenue

Hartford, CT 06106

(860) 808-5250

jill.lacedonia@ct.gov

FOR THE STATE OF DELAWARE

KATHLEEN JENNINGS

Attorney General

/s/ Christian Douglas Wright

CHRISTIAN DOUGLAS WRIGHT

Director of Impact Litigation

VALERIE EDGE

JAMESON A.L. TWEEDIE

Deputy Attorneys General

Delaware Department of Justice

820 North French Street

Wilmington, DE 19801

(302) 577-8600

christian.wright@delaware.gov

FOR THE STATE OF ILLINOIS

KWAME RAOUL

Attorney General

MATTHEW J. DUNN

Chief, Environmental

Enforcement/Asbestos Litigation

Division

/s/ Gerald Karr

GERALD KARR

JASON E. JAMES

Assistant Attorneys General

69 West Washington Street 18th Floor

Chicago, IL 60602

(312) 814-0660

gerald.karr@illinois.us

FOR THE STATE OF MAINE

AARON M. FREY

Attorney General

/s/ Laura E. Jensen

LAURA E. JENSEN

Assistant Attorney General

Office of the Attorney General

6 State House Station

Augusta, ME 04333

(207) 626-8868

laura.jensen@maine.gov

FOR THE STATE OF MARYLAND

BRIAN E. FROSH

Attorney General

/s/ Joshua M. Segal

JOSHUA M. SEGAL

Special Assistant Attorney General

200 St. Paul Place

Baltimore, MD 21202

(410) 576-6446

jsegal@oag.state.md.us

FOR THE COMMONWEALTH OF

MASSACHUSETTS

MAURA HEALEY

Attorney General

/s/ Megan Herzog

MEGAN HERZOG

Special Assistant Attorney General

for Climate Change

Environmental Protection Division

Office of the Attorney General

One Ashburton Place, 18th Floor

Boston, MA 02108

(617) 727-2200

megan.herzog@mass.gov

FOR THE PEOPLE OF THE
STATE OF MICHIGAN

DANA NESSEL
Attorney General

/s/ Elizabeth Morrisseau
ELIZABETH MORRISSEAU
Assistant Attorney General
Environment, Natural Resources, and
Agriculture Division, 6th Floor
G. Mennen Williams Building
525 West Ottawa Street
P.O. Box 30755
Lansing, MI 48909
(517) 335-7664
morriseaue@michigan.gov

FOR THE STATE OF
MINNESOTA

KEITH ELLISON
Attorney General
/s/ Peter N. Surdo
PETER N. SURDO
Special Assistant Attorney General
445 Minnesota Street Suite 900
Saint Paul, MN 55101
(651) 757-1061
peter.surdo@ag.state.mn.us

FOR THE STATE OF NEW
JERSEY

ANDREW J. BRUCK
Acting Attorney General
/s/ Lisa Morelli
LISA MORELLI
Deputy Attorney General
25 Market Street
P.O. Box 093
Trenton, NJ 08625-0093
(609) 376-2745
lisa.morelli@law.njoag.gov

FOR THE STATE OF NEW
MEXICO

HECTOR BALDERAS
Attorney General
/s/ William Grantham
WILLIAM GRANTHAM
Assistant Attorney General
201 Third Street NW, Suite 300
Albuquerque, NM 87102
(505) 717-3520
wgrantham@nmag.gov

FOR THE STATE OF NEW YORK

LETITIA JAMES

Attorney General

BARBARA D. UNDERWOOD

Solicitor General

STEVEN C. WU

Deputy Solicitor General

/s/ Morgan A. Costello

MORGAN A. COSTELLO

MICHAEL J. MYERS

Assistant Attorneys General

Office of the Attorney General

The Capitol

Albany, NY 12224

(518) 776-2392

morgan.costello@ag.ny.gov

FOR THE STATE OF NORTH
CAROLINA

JOSHUA H. STERN

Attorney General

DANIEL S. HIRSCHMAN

Senior Deputy Attorney General

/s/ Asher P. Spiller

ASHER P. SPILLER

TAYLOR H. CRABTREE

Assistant Attorneys General

North Carolina Department of Justice

P.O. Box 629

Raleigh, NC 27602

(919) 716-6400

aspiller@ncdoj.gov

FOR THE STATE OF OREGON

ELLEN F. ROSENBLUM

Attorney General

/s/ Paul Garrahan

PAUL GARRAHAN

Attorney-in-Charge

STEVE NOVICK

Special Assistant Attorney General

Natural Resources Section

Oregon Department of Justice

1162 Court Street NE

Salem, OR 97301-4096

(503) 947-4593

paul.garrahan@doj.state.or.us

FOR THE COMMONWEALTH OF
PENNSYLVANIA

JOSH SHAPIRO

Attorney General

MICHAL J. FISCHER

Chief Deputy Attorney General

/s/ Ann R. Johnston

ANN R. JOHNSTON

Senior Deputy Attorney General

Office of Attorney General

1600 Arch St. Suite 300

Philadelphia, PA 19103

(215) 560-2171

ajohnston@attorneygeneral.gov

FOR THE STATE OF RHODE
ISLAND

PETER F. NERONHA

Attorney General

/s/ Gregory S. Schultz

GREGORY S. SCHULTZ

Special Assistant Attorney General

Rhode Island Office of Attorney

General

150 South Main Street

Providence, RI 02903

(401) 274-4400

gschultz@riag.ri.gov

FOR THE STATE OF VERMONT

THOMAS J. DONOVAN, JR.

Attorney General

/s/ Nicholas F. Persampieri

NICHOLAS F. PERSAMPIERI

Assistant Attorney General

Office of the Attorney General

109 State Street

Montpelier, VT 05609

(802) 828-3171

nick.persampieri@vermont.gov

FOR THE STATE OF
WASHINGTON

ROBERT W. FERGUSON

Attorney General

/s/ Caroline E. Cress

CAROLINE E. CRESS

Assistant Attorney General

Office of the Attorney General

P.O. Box 40117

Olympia, WA 98504

(360) 586-4613

caroline.cress@atg.wa.gov

FOR THE COMMONWEALTH OF
VIRGINIA

MARK R. HERRING

Attorney General

DAVID C. GRANDIS

Senior Assistant Attorney General

Chief, Environmental Section

/s/ Christopher E. Bergin

CHRISTOPHER E. BERGIN

Assistant Attorney General

Office of the Attorney General

Commonwealth of Virginia

202 North 9th Street

Richmond, VA 23219

(804) 786-1780

godwyer@oag.state.va.us

FOR THE DISTRICT OF
COLUMBIA

KARL A. RACINE
Attorney General

/s/ Loren L. AliKhan

LOREN L. ALIKHAN
Solicitor General
Office of the Attorney General
400 Sixth Street, NW, Suite 8100
Washington, D.C. 20001
(202) 727-6287
loren.alikhan@dc.gov

FOR THE CITY OF CHICAGO

CELIA MEZA
Corporation Counsel

/s/ Benna Ruth Solomon

BENNA RUTH SOLOMON
Deputy Corporation Counsel

JARED POLICICCHIO
Supervising Assistant Corporation
Counsel
30 North LaSalle Street, Suite 800
Chicago, IL 60602
(312) 744-7764
benna.solomon@cityofchicago.org

FOR THE CITY AND COUNTY OF
DENVER

KRISTIN M. BRONSON
City Attorney

/s/ Edward J. Gorman

EDWARD J. GORMAN
LINDSAY S. CARDER
Assistant City Attorneys
Denver City Attorney's Office
201 West Colfax Avenue, Dept. 1207
Denver, Colorado 80202
(720) 913-3275
edward.gorman@denvergov.org

**Remaining Petitioners in Case No.
20-1359**

ELIZABETH JONES
CLARE LAKEWOOD
Center for Biological Diversity
660 South Figueroa Street, Suite 1000
Los Angeles, CA 90017
Phone: (213) 785-5400
ljones@biologicaldiversity.org
clakewood@biologicaldiversity.org

*Counsel for Center for Biological
Diversity*

ANN BREWSTER WEEKS
DARIN SCHROEDER
Clean Air Task Force
114 State Street, 6th Floor
Boston, MA 02109
(617) 624-0234
aweeks@catf.us
dschroeder@catf.us

*Counsel for Earthworks and National
Parks Conservation Association*

ADAM CARLESCO
Staff Attorney, Climate & Energy
Food & Water Watch
1616 P Street NW, Suite 300
Washington, DC 20036
(202) 683-4925
acarlesco@fwwatch.org

Counsel for Food & Water Watch

DAVID DONIGER
PETER HUFFMAN
Natural Resources Defense Council
1152 15th Street NW, Suite 300
Washington, DC 20005
(202) 289-2403
ddoniger@nrdc.org
phuffman@nrdc.org

*Counsel for Natural Resources Defense
Council*

ANDRES RESTREPO
Sierra Club
50 F Street NW, 8th Floor
Washington, DC 20001
(301) 367-7572
andres.restrepo@sierraclub.org

JOANNE SPALDING
Sierra Club
2101 Webster Street, Suite 1300
Oakland, CA 94612
(415) 977-5725
joanne.spalding@sierraclub.org

Counsel for Sierra Club

ROBIN COOLEY
CAITLIN MILLER
Earthjustice
633 17th Street, Suite 1600
Denver, CO 80202
(303) 623-9466
rcooley@earthjustice.org
cmiller@earthjustice.org

*Counsel for Ft. Berthold Protectors of
Water and Earth Rights, Clean Air
Council, and Sierra Club*

Petitioner in Case No. 20-1363

/s/ Justin Vickers

JUSTIN VICKERS
ANN JAWORSKI
Environmental Law & Policy Center
35 East Wacker Drive, Suite 1600
Chicago, IL 60601
(312) 795-3736
jvickers@elpc.org
ajaworski@elpc.org