

1 BILL LOCKYER
 Attorney General of the State of California
 2 MARY E. HACKENBRACHT
 Senior Assistant Attorney General
 3 ELLEN M. PETER, State Bar No. 72234
 Supervising Deputy Attorney General
 4 CARYN L. CRAIG
 KATHLEEN A. KENEALY
 5 Deputy Attorneys General
 1300 "I" Street, Suite 125
 6 P.O. Box 944255
 Sacramento, CA 94244-2550
 7 JOSEPH BARBIERI, State Bar No. 83210
 KEN ALEX, State Bar No. 111236
 8 GAVIN G. McCABE, State Bar No. 130864
 MARC N. MELNICK, State Bar No. 168187
 9 Deputy Attorneys General
 1515 Clay Street, 20th Floor
 10 P.O. Box 70550
 Oakland, CA 94612-0550
 11 Telephone: (510) 622-2133
 Fax: (510) 622-2270

12 Attorneys for Defendant Catherine E. Witherspoon

13 *Additional Counsel on Next Page*

14 IN THE UNITED STATES DISTRICT COURT
 15 FOR THE EASTERN DISTRICT OF CALIFORNIA — FRESNO DIVISION
 16

17 CENTRAL VALLEY CHRYSLER-JEEP, INC.; et al.,
 18 Plaintiffs,
 19 v.
 20 CATHERINE E. WITHERSPOON, in her official
 capacity as Executive Officer of the California Air
 Resources Board,
 21 Defendant,
 22 ASSOCIATION OF INTERNATIONAL
 AUTOMOBILE MANUFACTURERS,
 23 Plaintiff-Intervenor,
 24 SIERRA CLUB, NATURAL RESOURCES DEFENSE
 25 COUNCIL, ENVIRONMENTAL DEFENSE,
 26 BLUEWATER NETWORK, GLOBAL EXCHANGE
 and RAINFOREST ACTION NETWORK,
 27 Defendant-Intervenors.
 28

NO. 1:04-CV-06663-AWI-LJO

**DEFENDANT AND
 DEFENDANT-INTERVENORS'
 MOTION AND NOTICE OF
 MOTION OF SUMMARY
 JUDGMENT**

Date: November 27, 2006
 Time: 1:30 p.m.
 Courtroom: Two
 Judge: Hon. Anthony W. Ishii

1 DAVID D. DONIGER, State Bar No. 76262
NATURAL RESOURCES DEFENSE COUNCIL
2 1200 New York Ave., NW
Washington, DC 20005
3 Tel: (202) 289-2403
Fax: (202) 789-0859
4

MATTHEW F. PAWA (*pro hac vice*)
5 BENJAMIN KRASS (*pro hac vice*)
LAW OFFICES OF MATTHEW F. PAWA, P.C.
6 1280 Centre Street, Suite 230
Newton Centre, MA 02459
7 Tel: (617) 641-9550
Fax: (617) 641-9551
8

DAVID BOOKBINDER (*pro hac vice*)
9 SIERRA CLUB
408 C Street, NE
10 Washington, DC 20002
Tel: (202) 548-4598
11 Fax: (202) 547-6009

12 JAMES T.B. TRIPP (of counsel)
ENVIRONMENTAL DEFENSE
13 257 Park Avenue South
New York, NY 10010
14 Tel: (212) 616-1247
Fax: (212) 505-2375
15

16 Attorneys for Defendant-Intervenors Sierra Club, Natural
Resources Defense Council, and Environmental Defense

17
DANIELLE R. FUGERE, State Bar No. 160873
18 BLUEWATER NETWORK
311 California Street, Suite 510
19 San Francisco, CA 94104
Tel: (415) 544-0790 x15
20 Fax: (415) 544-0796

21 Attorneys for Defendant-Intervenors Bluewater Network,
Global Exchange, and Rainforest Action Network
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1 TO PLAINTIFFS, PLAINTIFF-INTERVENOR, AND THEIR ATTORNEYS OF
2 RECORD: PLEASE TAKE NOTICE that, on November 27, 2006 at 1:30 p.m., or as soon
3 thereafter as the matter may be heard in the above-entitled court, located at 2500 Tulare Street,
4 Fresno, California, or elsewhere, defendant Catherine E. Witherspoon and defendant-intervenors
5 Sierra Club, Natural Resources Defense Council, Environmental Defense, Bluewater Network,
6 Global Exchange, and Rainforest Action Network will move and hereby do move the Court for a
7 summary judgment in their favor pursuant to Federal Rule of Civil Procedure 56, on the grounds
8 that each of the claims in Plaintiffs' first amended complaint and Plaintiff-Intervenors'
9 complaint-in-intervention are nonjusticiable or otherwise fail to present a proper case or
10 controversy. Alternatively to seeking a judgment on the entire action, defendant Witherspoon
11 and defendant-intervenors Sierra Club, Natural Resources Defense Council, Environmental
12 Defense, Bluewater Network, Global Exchange, and Rainforest Action Network will move and
13 hereby do move the Court to enter an order in their favor disposing of the individual claims.

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1 The motion will be based of this Notice of Motion and Motion; the accompanying
2 Memorandum of Points and Authorities, the Declaration of Thomas A. Cackette, any documents
3 filed in reply; the hearing on this motion; and the pleadings filed in this action.

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5 Dated: October 27, 2006

Respectfully submitted,

6 BILL LOCKYER
Attorney General of the State of California
7 MARY E. HACKENBRACHT
Senior Assistant Attorney General
8 ELLEN M. PETER
Supervising Deputy Attorney General

9
10 /s/ Marc N. Melnick
MARC N. MELNICK
11 Deputy Attorney General
Attorneys for Defendant

12
13 SIERRA CLUB

14
15 /s/ David Bookbinder (as authorized on October 27, 2006)
DAVID BOOKBINDER
16 Attorneys for Defendant-Intervenors Sierra Club, Natural
Resources Defense Council, and Environmental Defense

17 BLUEWATER NETWORK

18
19 /s/ Danielle R. Fugere (as authorized on October 27, 2006)
DANIELLE R. FUGERE
20 Attorneys for Defendant-Intervenors Bluewater Network,
Global Exchange, and Rainforest Action Network

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