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RAINFOREST ACTION NETWORK

5
6 UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA - FRESNO

7 CENTRAL VALLEY CHRYSLER-JEEP, INC.,)
et al.)

8)
9 Plaintiffs,)

Case No.1:04-CV-06663-REC-LJO

10 v.)

11 Catherine B. WITHERSPOON, in her official)
capacity as Executive Officer of the California)
Air Resources Board,)

12 Defendant,)

**ANSWER OF INTERVENOR-
DEFENDANT BLUEWATER
NETWORK ET AL.**

13)
14 and)

15 BLUEWATER NETWORK, et al.)

16 Intervenor-Defendants.)
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18 Intervenor-defendant Bluewater Network et al. hereby answer the Complaint. All factual
19 allegations not expressly admitted are denied as follows.

20 1. Intervenor-defendants admit that the action claims to be for declaratory and
21 injunctive relief, brought under the Supremacy Clause and 42 U.S.C. § 1983, that the action claims
22 to challenge a state law and regulations, and that defendant is the state officer charged with
23 enforcement of the state law and regulations. Intervenor-defendants deny that the state law and
24 regulations are preempted by federal law or that the court has jurisdiction to grant relief.

1 2. Intervenor-defendants admit the allegations in the first five sentences of Paragraph 2,
2 deny that EPA does not regulate carbon dioxide as a pollutant, and are without sufficient knowledge
3 or information to admit or deny all other allegations in Paragraph 2.

4 3. Intervenor-defendants admit the first three sentences in Paragraph 3, and are without
5 sufficient knowledge or information to admit or deny the allegation in the fourth sentence of
6 Paragraph 3.

7 4. Intervenor-defendants deny the allegation in the first sentence of Paragraph 4, do not
8 have sufficient information to admit or deny the allegations in the second, third, and fourth sentences
9 of Paragraph 4, deny the allegation in the fifth sentence of Paragraph 5, and are without sufficient
10 knowledge or information to admit or deny the allegation in sentence 6 and 7 of Paragraph 4.

11 5. Intervenor-defendants are without sufficient knowledge or information to admit or
12 deny the allegation in the first sentence of Paragraph 5, admit that greenhouse gases are increasing in
13 the developing and industrialized worlds, and deny all other allegations in Paragraph 5.

14 6. Intervenor-defendants admit the first and second sentences in Paragraph 6, and are
15 without sufficient information or knowledge to admit or deny all other allegations in Paragraph 6.

16 7. Intervenor-defendants admit the first sentence in Paragraph 7, admit that CARB is the
17 regulatory body authorized by state law to adopt regulations governing new motor vehicles, and deny
18 all other allegations in Paragraph 7.

19 8. Intervenor-defendants deny the allegations in the first sentence of Paragraph 8 except
20 to the extent that there was a public hearing in Los Angeles on September 23-24, 2004, are without
21 sufficient information or knowledge to admit or deny the allegations in the second sentence, and deny
22 the rest of the allegations in Paragraph 8.

23 9. Intervenor-defendants admit that the action purports to seek to restrain enforcement
24 of CARB's proposed regulations. Intervenor-defendants deny the allegation in the last sentence of
25 Paragraph 9(a); the rest of Paragraph 9(a) contains conclusions of law to which no response is
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1 required. Intervenor-defendants deny the factual allegations in Paragraph 9(b); all other allegations in
2 Paragraph 9(b) contain conclusions of law to which no response is required. Paragraph 9(c) contains
3 conclusions of law to which no response is required. Intervenor-defendants deny the first sentence in
4 Paragraph 9(d); the rest of Paragraph 9(d) contains conclusions of law to which no response is
5 required. Paragraph 9(e) contains conclusions of law to which no response is required.

6 10. Intervenor-defendants are without sufficient information or knowledge to admit or
7 deny the allegations in Paragraph 10.

8 11. Intervenor-defendants are without sufficient information or knowledge to admit or
9 deny the allegations in Paragraph 11.

10 12. Intervenor-defendants are without sufficient information or knowledge to admit or
11 deny the allegations in Paragraph 12.

12 13. Intervenor-defendants admit the first sentence of Paragraph 13. Intervenor-
13 defendants are without sufficient information or knowledge to admit or deny the allegations in the rest
14 of Paragraph 13; the transcript of the September 2004 public hearing speaks for itself and would
15 provide the best evidence of the testimony that was heard. To the extent that an answer is required,
16 Intervenor-defendants deny the remaining allegations.

17 14. Intervenor-defendants are without sufficient information or knowledge to admit or
18 deny the allegations in Paragraph 14.

19 15. Intervenor-defendants are without sufficient information or knowledge to admit or
20 deny the allegations in Paragraph 15.

21 16. Intervenor-defendants are without sufficient information or knowledge to admit or
22 deny the allegation in Paragraph 16.

23 17. Intervenor-defendants are without sufficient information or knowledge to admit or
24 deny the allegation in Paragraph 17.

1 18. Intervenor-defendants are without sufficient information or knowledge to admit or
2 deny the allegation in Paragraph 18.

3 19. Intervenor-defendants are without sufficient information or knowledge to admit or
4 deny the allegation in Paragraph 19.

5 20. Intervenor-defendants are without sufficient information or knowledge to admit or
6 deny the allegation in Paragraph 20.

7 21. Intervenor-defendants are without sufficient information or knowledge to admit or
8 deny the allegation in Paragraph 21.

9 22. Intervenor-defendants are without sufficient information or knowledge to admit or
10 deny the allegation in Paragraph 22.

11 23. Intervenor-defendants are without sufficient information or knowledge to admit or
12 deny the allegation in Paragraph 23.

13 24. Intervenor-defendants are without sufficient information or knowledge to admit or
14 deny the allegation in Paragraph 24.

15 25. Intervenor-defendants are without sufficient information or knowledge to admit or
16 deny the allegation in Paragraph 25.

17 26. Intervenor-defendants are without sufficient information or knowledge to admit or
18 deny the allegation in Paragraph 26.

19 27. Intervenor-defendants are without sufficient information or knowledge to admit or
20 deny the allegation in Paragraph 27.

21 28. Intervenor-defendants are without sufficient information or knowledge to admit or
22 deny the allegation in Paragraph 28.

23 29. Intervenor-defendants are without sufficient information or knowledge to admit or
24 deny the allegation in Paragraph 29.

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1 30. Intervenor-defendants are without sufficient information or knowledge to admit or
2 deny the allegation in Intervenor-defendants are without sufficient information or knowledge to
3 admit or deny the allegation in Paragraph 30.

4 31. Intervenor-defendants are without sufficient information or knowledge to admit or
5 deny the allegation in Intervenor-defendants are without sufficient information or knowledge to
6 admit or deny the allegation in Paragraph 31.

7 32. Intervenor-defendants are without sufficient information or knowledge to admit or
8 deny the allegation in Paragraph 32.

9 33. Intervenor-defendants are without sufficient information or knowledge to admit or
10 deny the allegation in Paragraph 33.

11 34. Intervenor-defendants admit the allegation in the first sentence of Paragraph 34, and
12 deny all other allegations in Paragraph 34.

13 35. Intervenor-defendants admit the allegations in the first two sentences of Paragraph
14 35, and deny all other allegations in Paragraph 35.

15 36. Intervenor-defendants admit the allegations in the first sentence of Paragraph 36.
16 Intervenor-defendants are without sufficient information or knowledge to admit or deny the
17 allegations in the second sentence of Paragraph 36. The remaining allegations characterize Title II of
18 the CAA, which speaks for itself and provides the best evidence of its content.

19 37. Intervenor-defendants are without sufficient information or knowledge to admit or
20 deny the allegations in the first two sentences, concerning catalytic converters and vehicle hardware,
21 except that intervenor-defendants deny that the federal government has never classified carbon
22 dioxide as a pollutant. The third sentence of Paragraph 37 claims to interpret EPA's September 8,
23 2003 notice, which speaks for itself and provides the best evidence of its contents. To the extent that
24 an answer is required, Intervenor-defendants deny the third sentence of Paragraph 37.
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1 38. Intervenor-defendants admit that oxides of nitrogen and hydrocarbons react in
2 sunlight to produce ground-level ozone, deny all other allegations in the first three sentences of
3 Paragraph 38, and deny the third sentence of Paragraph 38. The fourth sentence of Paragraph 38
4 purports to interpret a Pew Center report, which speaks for itself and provides the best evidence of its
5 content.

6 39. The federal statute in Paragraph 39 speaks for itself and is the best evidence of its
7 contents; to the extent that an answer is required, Intervenor-defendants deny the allegations in
8 Paragraph 39.

9 40. Intervenor-defendants admit that UNFCCC was ratified by the Senate in 1992, and
10 deny all other allegations in Paragraph 40.

11 41. The first seven sentences of Paragraph 41 purport to interpret the CAFÉ standards,
12 which speak for themselves and provide the best evidence of their content; however, to the extent an
13 answer is required, Intervenor-defendants deny these allegations. Intervenor-defendants are without
14 sufficient information or knowledge to admit or deny the rest of the allegations in Paragraph 41.

15 42. Paragraph 42 characterize the CAFÉ standards and EPCA and its implementing
16 regulations, which speak for themselves and provide the best evidence of their content. To the extent
17 that an answer is required, Intervenor-defendants deny the allegations in Paragraph 42.

18 43. Intervenor-defendants are without sufficient information to admit or deny the
19 allegations in the first and last sentence of Paragraph 43. The rest of Paragraph 43 purport to interpret
20 EPCA, which speaks for itself and provides the best evidence of its contents; to the extent that an
21 answer is required, Intervenor-defendants deny the allegations in the rest of Paragraph 43.

22 44. Intervenor-defendants are without sufficient information or knowledge to admit or
23 deny the allegation in the first and last two sentences of Paragraph 44. All other allegations in
24 Paragraph 44 purport to interpret EPCA, the CAFÉ standards, several judicial decisions, and a House
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1 of Representatives report, which all speak for themselves and are the best evidence of their content.
2 To the extent that an answer is required, Intervenor-defendants deny these allegations.

3 45. Paragraph 45 purports to interpret various aspects of the CAFÉ standards and its
4 implementing regulations, which speak for themselves and are the best evidence of their content. To
5 the extent that an answer is required, Intervenor-defendants deny the allegations in the rest of
6 Paragraph 45.

7 46. Paragraph 46 purports to interpret provisions of EPCA, which speak for themselves
8 and are the best evidence of their content. To the extent that an answer is required, Intervenor-
9 defendants deny the allegations in Paragraph 46.

10 47. Paragraph 47 purports to interpret Section 202 of the CAA, which speaks for itself
11 and provides the best evidence of their content. To the extent that an answer is required, Intervenor-
12 defendants deny the allegations in Paragraph 47.

13 48. The first sentence of Paragraph 48 purports to interpret the contents of the
14 September 8, 2003 EPA notice, which speaks for itself and is the best evidence of its contents.
15 Intervenor-defendants admit the second sentence of Paragraph 48 and deny the third sentence of
16 Paragraph 48.

17 49. Paragraph 49 purports to interpret Section 209(a) of the CAA, which speaks for
18 itself and provides the best evidence of its content. To the extent that an answer is required,
19 Intervenor-defendants deny the allegations in Paragraph 49.

20 50. Paragraph 50 purports to interpret the content of several congressional reports, and
21 federal and state law, which all speak for themselves and provide the best evidence of their content.
22 To the extent that an answer is required, Intervenor-defendants deny these allegations.

23 51. Paragraph 51 purports to interpret Section 209(b) of the CAA and EPA's September
24 8, 2003 notice, which speak for themselves and provide the best evidence of their content. To the
25 extent that an answer is required, Intervenor-defendants deny all allegations in Paragraph 51.
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1 52. Intervenor-defendants deny the first two sentences of Paragraph 52. The rest of
2 Paragraph 51 purports to interpret the Global Climate Change Protection Act and an EPA report,
3 which speaks for themselves and provide the best evidence of their content. To the extent that an
4 answer is required, Intervenor-defendants deny these allegations.

5 53. Intervenor-defendants admit that the UNFCCC was ratified by the Senate in 1992.
6 The rest of Paragraph 53 purports to interpret provisions of the UNFCCC, which speaks for itself and
7 provides the best evidence of its content; to the extent that an answer is required, Intervenor-
8 defendants deny these allegations.

9 54. Intervenor-defendants admit that the Senate adopted the Byrd-Hagel Resolution and
10 that President Clinton did not submit the Kyoto treaty for Senate ratification. The rest of Paragraph
11 54 purports to interpret the Byrd-Hagel Resolution, which speaks for itself and provides the best
12 evidence of its content. To the extent that an answer is required, Intervenor-defendants deny these
13 allegations.

14 55. Intervenor-defendants are without sufficient information or knowledge to admit or
15 deny the allegations in Paragraph 55.

16 56. Intervenor-defendants are without sufficient information or knowledge to admit or
17 deny the allegations in Paragraph 56.

18 57. Intervenor-defendants are without sufficient information or knowledge to admit or
19 deny the first sentence of Paragraph 57, and deny the allegations of the last two sentences of
20 Paragraph 57. The rest of Paragraph 57 purports to interpret EPA's September 8, 2003 notice, which
21 speaks for itself and provides the best evidence of its contents. To the extent that an answer is
22 required, Intervenor-defendants deny these allegations.

23 58. Intervenor-defendants deny the first two sentences of Paragraph 58. The rest of
24 Paragraph 58 purports to interpret two judicial decisions, which speak for themselves and are the best
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1 evidence of their content. To the extent that an answer is required, Intervenor-defendants deny these
2 allegations.

3 59. The first sentence of Paragraph 59 purports to interpret a judicial decision, which
4 speaks for itself and is the best evidence of its content. Intervenor-defendants deny the allegations in
5 the rest of Paragraph 59.

6 60. Paragraph 60 purports to interpret proposed CARB regulations, which speak for
7 themselves and are the best evidence of their content. To the extent that an answer is required,
8 Intervenor-defendants deny the allegations in Paragraph 60.

9 61. Paragraph 61 purports to interpret proposed CARB regulations, which speak for
10 themselves and are the best evidence of their content. To the extent that an answer is required,
11 Intervenor-defendants deny the allegations in Paragraph 61.

12 62. Paragraph 62 purports to interpret a December 2001 CARB publication, which
13 speaks for itself and is the best evidence of its content. To the extent that an answer is required,
14 Intervenor-defendants deny these allegations.

15 63. Paragraph 63 purports to interpret a judicial decision, which speaks for itself and is
16 the best evidence of its contents. To the extent that an answer is required, Intervenor-defendants deny
17 these allegations.

18 64. Intervenor-defendants admit the first sentence in Paragraph 64. All other allegations
19 in Paragraph 64 purport to interpret an *amicus curiae* brief, which speaks for itself and is the best
20 evidence of its content. To the extent that an answer is required, Intervenor-defendants deny these
21 allegations.

22 65. Paragraph 65 purports to interpret a NHTSA notice, which speaks for itself and is
23 the best evidence of its content. To the extent that an answer is required, Intervenor-defendants deny
24 these allegations.
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1 66. Intervenor-defendants are without sufficient information or knowledge to admit or
2 deny the allegation in the first sentence of Paragraph 66. The second sentence of Paragraph 66
3 purports to interpret a court brief, which speaks for itself and is the best evidence of its content; to the
4 extent that an answer is required, Intervenor-defendants deny this allegation.

5 67. Intervenor-defendants admit that Case No. 02-16395 was settled, but are without
6 sufficient information or knowledge to admit or deny the allegation relating to CARB's handling of
7 the ZEV standards.

8 68. Intervenor-defendants admit that the California Legislature enacted AB 1493. The
9 rest of Paragraph 68 purports to interpret AB 1493, which speaks for itself and is the best evidence of
10 its content.

11 69. Intervenor-defendants are without sufficient information or knowledge to admit or
12 deny the allegations in Paragraph 69.

13 70. Intervenor-defendants are without sufficient information or knowledge to admit or
14 deny Paragraph 70.

15 71. Intervenor-defendants admit the allegations in the first sentence of Paragraph 71.
16 The rest of Paragraph 71 purports to interpret a proposed regulation, which speaks for itself and
17 provides the best evidence of its content. To the extent that an answer is required, Intervenor-
18 defendants deny all of the allegations in the rest of Paragraph 71.

19 72. Paragraph 72 purports to interpret a proposed regulation, which speaks for itself and
20 provides the best evidence of its content. To the extent that an answer is necessary, Intervenor-
21 defendants deny the allegations in of Paragraph 72.

22 73. Paragraph 73 purports to interpret CARB's proposed regulation and a federal
23 regulations, which speak for themselves and provide the best evidence of their content. To the extent
24 that an answer is required Intervenor-defendants deny the allegations in of Paragraph 73.

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1 74. Paragraph 74 purports to interpret a proposed regulation, which speaks for itself and
2 provides the best evidence of its content. To the extent that an answer is required, Intervenor-
3 defendants deny the allegations in of Paragraph 74.

4 75. Paragraph 75 purports to interpret provisions of EPCA, which speak for themselves
5 and provide the best evidence of their content. To the extent that an answer is required, Intervenor-
6 defendants deny the allegations in of Paragraph 75.

7 76. Paragraph 74 purports to interpret two judicial decisions, which speak for
8 themselves and provide the best evidence of their content. To the extent that an answer is required,
9 Intervenor-defendants deny the allegations in of Paragraph 76.

10 77. Intervenor-defendants admit the allegations in the second sentence of Paragraph 77,
11 and deny all other allegations in Paragraph 77.

12 78. Paragraph 78 purports to interpret a federal regulation and proposed CARB
13 regulations, which speaks for themselves and provide the best evidence of their content. To the extent
14 that an answer is required, Intervenor-defendants deny all allegations in Paragraph 78.

15 79. Paragraph 79 purports to interpret a federal regulation and proposed CARB
16 regulations, which speak for themselves and provide the best evidence of their content. To the extent
17 that an answer is required, Intervenor-defendants deny all allegations in Paragraph 79.

18 80. Intervenor-defendants are without sufficient information or knowledge to admit or
19 deny the allegations in Paragraph 80.

20 81. Intervenor-defendants are without sufficient information to admit or deny the
21 allegations in Paragraph 81.

22 82. Intervenor-defendants are without sufficient information to admit or deny the
23 allegations in Paragraph 82.

24 83. Intervenor-defendants are without sufficient information to admit or deny the
25 allegations in Paragraph 83.

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1 84. Intervenor-defendants are without sufficient information to admit or deny the
2 allegations in Paragraph 84.

3 85. Intervenor-defendants are without sufficient information to admit or deny the
4 allegations in paragraph 85.

5 86. Intervenor-defendants are without sufficient information to admit or deny the
6 allegations in paragraph 86.

7 87. Paragraph 87 purports to interpret a National Academy of Sciences report, which
8 speaks for itself and provides the best evidence of its content.

9 88. Paragraph 88 purports to interpret a judicial decision, which speaks for itself and
10 provides the best evidence of its content. To the extent that an answer is required, Intervenor-
11 defendants deny all allegations in Paragraph 88.

12 89. The first two sentences of Paragraph 89 purports to interpret a judicial decision and
13 NHTSA notice of rulemaking, which speak for themselves and provide the best evidence of their
14 content. Intervenor-defendants do not have sufficient information or knowledge to admit or deny the
15 remaining allegations in the Paragraph 89. To the extent that an answer is required, Intervenor-
16 defendants deny all allegations in Paragraph 89.

17 90. Intervenor-defendants do not have sufficient information to admit or deny the
18 allegation in the first sentence of Paragraph 90. The remaining portions of Paragraph 90 purport to
19 interpret CARB's proposed regulation and a "peer review" of that regulation, which speak for
20 themselves and provide the best evidence of their content. To the extent that an answer is required,
21 Intervenor-defendants deny these allegations.

22 91. Intervenor-defendants are without sufficient information to admit or deny the
23 allegations in Paragraph 91.

24 92. Intervenor-defendants are without sufficient information to admit or deny the
25 allegations in Paragraph 91.

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1 93. Intervenor-defendants deny the allegations in Paragraph 93.

2 94. The first two sentences of Paragraph 94 purport to interpret an EPA petition and
3 EPA's response to the petition, which speak for themselves and provide the best evidence of their
4 content. Intervenor-defendants deny the third sentence of Paragraph 94. The remaining allegations in
5 Paragraph 94 are legal conclusions to which no response is necessary. To the extent that an answer is
6 required, Intervenor-defendants deny the allegations in Paragraph 94.

7 95. Intervenor-defendants deny the allegations in Paragraph 95.

8 96. Intervenor-defendants deny the allegations in the first sentence of Paragraph 96.
9 Intervenor-defendants are without sufficient information to admit or deny the remaining allegations.

10 97. Intervenor-defendants are without sufficient information to admit or deny the
11 allegations in Paragraph 97.

12 98. Intervenor-defendants are without sufficient information to admit or deny the
13 allegations in Paragraph 98.

14 99. Intervenor-defendants are without sufficient information to admit or deny the
15 allegations in Paragraph 99.

16 100. Intervenor-defendants are without sufficient information to admit or deny the
17 allegations in Paragraph 100.

18 101. Intervenor-defendants are without sufficient information to admit or deny the
19 allegations in Paragraph 101.

20 102. Intervenor-defendants are without sufficient information to admit or deny the first,
21 second, and last sentences of Paragraph 102. The third sentence of Paragraph 102 purports to interpret
22 a National Academy of Sciences report, which speaks for itself and is the best evidence of its content.
23 To the extent that an answer is required, Intervenor-defendants deny all allegations in Paragraph 102.

24 103. Intervenor-defendants are without sufficient information to admit or deny the
25 allegations in Paragraph 103.

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1 104. Intervenor-defendants are without sufficient information to admit or deny the
2 allegations in Paragraph 104.

3 105. Intervenor-defendants are without sufficient information to admit or deny the
4 allegations in Paragraph 105.

5 106. The first sentence in Paragraph 106 is a legal conclusion to which no answer is
6 required. Intervenor-defendants do not have sufficient information or knowledge to admit or deny the
7 allegations in the second sentence of Paragraph 106. The last sentence in Paragraph 106 purports to
8 interpret a judicial decision, which speaks for itself and is the best evidence of its content. To the
9 extent that an answer is required, Intervenor-defendants deny these allegations.

10 107. Intervenor-defendants are without sufficient information to admit or deny the
11 allegations in Paragraph 107.

12 108. Intervenor-defendants deny the allegations in Paragraph 108.

13 109. Intervenor-defendants are without sufficient information to admit or deny the
14 allegations in Paragraph 109.

15 110. Intervenor-defendants are without sufficient information to admit or deny the
16 allegations in Paragraph 110.

17 111. Intervenor-defendants are without sufficient information to admit or deny the
18 allegations in Paragraph 111.

19 112. Intervenor-defendants incorporate by reference their responses to Paragraph 1
20 through 111.

21 113. Paragraph 113 contains conclusions of law to which no response is required.

22 114. Paragraph 114 contains conclusions of law to which no response is required.

23 115. Paragraph 115 contains conclusions of law to which no response is required.

24 116. Paragraph 116 contains conclusions of law to which no response is required.

25 117. Paragraph 117 contains conclusions of law to which no response is required.

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118. Paragraph 118 contains conclusions of law to which no response is required.

119. Paragraph 119 contains conclusions of law to which no response is required.

120. Paragraph 120 contains conclusions of law to which no response is required.

121. Intervenor-defendants incorporate by reference their responses to Paragraph 1 through 120.

122. Paragraph 122 contains conclusions of law to which no response is required.

123. Paragraph 123 contains conclusions of law to which no response is required.

124. Paragraph 124 contains conclusions of law to which no response is required.

125. Paragraph 125 contains conclusions of law to which no response is required.

126. Paragraph 126 contains conclusions of law to which no response is required.

127. Paragraph 127 contains conclusions of law to which no response is required.

128. Intervenor-defendants incorporate by reference their responses to Paragraph 1 through 127.

129. Paragraph 129 contains conclusions of law to which no response is required.

130. Paragraph 130 contains conclusions of law to which no response is required.

131. Paragraph 131 contains conclusions of law to which no response is required.

132. Paragraph 132 contains conclusions of law to which no response is required.

133. Paragraph 133 contains conclusions of law to which no response is required.

134. Intervenor-defendants incorporate by reference their responses to Paragraph 1 through 133.

135. Paragraph 135 contains conclusions of law to which no response is required.

136. Paragraph 136 contains conclusions of law to which no response is required.

137. Paragraph 137 contains conclusions of law to which no response is required.

138. Paragraph 138 contains conclusions of law to which no response is required.

139. Paragraph 139 contains conclusions of law to which no response is required.

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- 140. Paragraph 140 contains conclusions of law to which no response is required.
- 141. Intervenor-defendants incorporate by reference their responses to Paragraph 1 through 140.
- 142. Paragraph 142 contains conclusions of law to which no response is required.
- 143. Paragraph 143 contains conclusions of law to which no response is required.
- 144. Paragraph 144 contains conclusions of law to which no response is required.
- 145. Paragraph 145 contains conclusions of law to which no response is required.
- 146. Paragraph 146 contains conclusions of law to which no response is required.
- 147. Paragraph 147 contains conclusions of law to which no response is required.

AFFIRMATIVE DEFENSES

- 1. This court lacks subject matter jurisdiction over each of Plaintiffs' causes of action.
- 2. Plaintiffs lack standing to assert each of their causes of action.
- 3. Plaintiffs' claims are not ripe for judicial review.

Respectfully submitted,

/s/ Leslie Caplan

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