

ORAL ARGUMENT NOT YET SCHEDULED**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

_____)	
STATE OF CALIFORNIA, et al.,)	
)	
Petitioners,)	
)	
v.)	No. 21-1018 (and
)	consolidated cases)
UNITED STATES ENVIRONMENTAL)	
PROTECTION AGENCY, et al.,)	
)	
Respondents.)	
_____)	

JOINT MOTION TO GOVERN FURTHER PROCEEDINGS

On February 17, 2021, this Court ordered that the above-captioned consolidated cases be held in abeyance pending further order of the Court, with motions to govern future proceedings due by August 17, 2021. That abeyance was extended on August 26, 2021, until November 15, 2021, so that EPA could complete its review of the rule challenged in this case, entitled “Control of Air Pollution from Airplanes and Airplane Engines: GHG Emission Standards and Test Procedures” (the “Airplane Rule” or the “Rule”). 86 Fed. Reg. 2136 (Jan. 11, 2021). EPA committed to inform the parties and the Court by that date whether it planned to commence a reconsideration proceeding or new rulemaking pertaining

to the Airplane Rule. EPA has concluded that it will not do so at this time, so all parties agree that the abeyance should be lifted and that this challenge should proceed on the merits.

As this case includes multiple petitioners, movant-intervenors, and movant-amicus curiae, the parties jointly request that the Court allow the parties an opportunity to negotiate a comprehensive proposal for briefing schedule and format. The parties hereby respectfully request that the Court order the parties to submit a briefing proposal, or proposals, to the Court no later than December 6, 2021.

DATED: November 15, 2021

Respectfully submitted,

TODD KIM
Assistant Attorney General

/s/ Chloe H. Kolman ¹
CHLOE H. KOLMAN
U.S. Department of Justice
Environmental Defense Section
P.O. Box 7611
Washington, D.C. 20044
(202) 514-9277
chloe.kolman@usdoj.gov

Counsel for Respondents

/s/ Theodore A.B. McCombs

¹ Counsel for Respondents represents that the other parties listed in the signature blocks on this document consent to this filing.

THEODORE A.B. MCCOMBS
Deputy Attorney General
Natural Resources Law Section
California Department of Justice
600 West Broadway, Suite 1800
P.O. Box 85266
San Diego, CA 92186-5266
(619) 738-9003 (Office)
theodore.mccombs@doj.ca.gov

*Counsel for the State of California, by and
through Attorney General Rob Bonta and
the California Air Resources Board*

FOR THE STATE OF
CONNECTICUT

WILLIAM TONG
Attorney General

/s/ William E. Dornbos
William E. Dornbos
Assistant Attorney General
Office of the Attorney General
165 Capitol Ave.,
Hartford, CT 06106
(860) 808-5250

FOR THE STATE OF MARYLAND

BRIAN E. FROSH
Attorney General

FOR THE STATE OF ILLINOIS

KWAME RAOUL
Attorney General

/s/ Gerald T. Karr
Matthew J. Dunn
Chief, Environmental Enforcement/
Asbestos Litigation Division
Gerald T. Karr
Assistant Attorney General
Office of the Attorney General
69 W. Washington St., 18th Floor
Chicago, IL 60602
(312) 814-3369

FOR THE COMMONWEALTH OF
MASSACHUSETTS

MAURA HEALEY
Attorney General

/s/ Joshua M. Segal

Joshua M. Segal
Special Assistant Attorney General
Office of the Attorney General
200 St. Paul Place
Baltimore, MD 21202
(410) 576-6300

/s/ Carol Iancu

Christophe Courchesne, Deputy Chief
Carol Iancu
Assistant Attorneys General
Energy and Environmental Bureau
One Ashburton Place, 18th Floor
Boston, MA 02108
(617) 963-2428

FOR THE STATE OF MINNESOTA

KEITH ELLISON
Attorney General

/s/ Peter N. Surdo

Peter N. Surdo
Special Assistant Attorney General
445 Minnesota Street, Suite 1400
St. Paul, MN 55101-2127
(651) 757-1061

FOR THE STATE OF NEW JERSEY

ANDREW BRUCK
Acting Attorney General

/s/ Mark A. Fisher

Mark A. Fisher
Deputy Attorney General
Division of Law
Department of Law & Public Safety
25 Market Street, PO Box 093
Trenton, NJ 08625-0093
(609) 376- 2740

FOR THE STATE OF NEW YORK

LETITIA JAMES, Attorney General

/s/ Matthew Eisenson

Matthew Eisenson
Gavin G. McCabe
Assistant Attorneys General
Environmental Protection Bureau
Office of the Attorney General
28 Liberty Street, 19th Floor

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

New York, NY 10005
(212) 416-8459

Oregon Department of Justice
1162 Court Street NE
Salem, OR 97301-4096
(503) 947-4593

FOR THE COMMONWEALTH OF
PENNSYLVANIA

FOR THE STATE OF VERMONT

JOSHUA D. SHAPIRO
Attorney General

THOMAS J. DONOVAN, JR.
Attorney General

/s/ Ann R. Johnston

/s/ Nicholas F. Persampieri

Ann R. Johnston
Senior Deputy Attorney General
Public Protection Division, Health Care
Section
Pennsylvania Office of Attorney
General
1600 Arch St., Suite 300
Philadelphia, PA 19103
(267) 940-6696

Nicholas F. Persampieri
Assistant Attorney General
Office of the Attorney General
109 State Street
Montpelier, VT 05609-1001
(802) 828-3171

FOR THE STATE OF WASHINGTON

FOR THE DISTRICT OF
COLUMBIA

ROBERT W. FERGUSON
Attorney General

KARL A. RACINE
Attorney General

/s/ Christopher H. Reitz

/s/ Loren L. AliKhan

Christopher H. Reitz
Assistant Attorney General
Office of the Attorney General
P.O. Box 40117
Olympia, WA 98504-0117
(360) 586-4614

Loren L. AliKhan
Solicitor General
Office of the Attorney General
for the District of Columbia
400 6th St., NW, Suite 8100
Washington, DC 20001
(202) 727-6287

/s/ Sarah H. Burt

SARAH H. BURT

Earthjustice

50 California Street, Suite 500

San Francisco, CA 94111

Tel: (415) 217-2000

Fax: (415) 217-2040

sburt@earthjustice.org

*Counsel for Sierra Club and Friends of
the Earth*

/s/ Elizabeth A. Jones

Center for Biological Diversity

660 S. Figueroa St., Suite 1000

Los Angeles, CA 90017

Tel: (213) 785-5400

Fax: (213) 785-5748

ljones@biologicaldiversity.org

*Counsel for Center for Biological
Diversity*

/s/ Vera Pardee

VERA PARDEE

Law Office of Vera Pardee

726 Euclid Avenue

Berkeley, CA 94708

Tel: (858) 717-1448

pardeelaw@gmail.com

Counsel for Sierra Club

/s/ Thomas A. Lorenzen

Thomas A. Lorenzen

Amanda Shafer Berman

Robert Meyers

CROWELL & MORING LLP

1001 Pennsylvania Avenue, NW

Washington, DC 20004-2595

(202) 688-3451

aberman@crowell.com

*Counsel for Proposed Respondent-
Intervenor The Boeing Company*

/s/ Ronald J. Tenpas

Ronald J. Tenpas

Corinne V. Snow

Vinson & Elkins LLP

2200 Pennsylvania Avenue, NW

Suite 500 West

Washington, DC 20037

Office: (202) 639-6791

Fax: (202) 330-5328

rtenpas@velaw.com

csnow@velaw.com

*Counsel for Movant Respondent-
Intervenors Aerospace Industries
Association of America, Inc.*

CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing Joint Motion to Govern complies with the requirements of Fed. R. App. P. 32(a)(5) and (6) because it has been prepared in 14-point Times New Roman, a proportionally spaced font.

I further certify that the foregoing complies with the type-volume limitation of Fed. R. App. P. 27(2)(A) because it contains approximately 208 words, excluding exempted portions, according to the count of Microsoft Word.

/s/ Chloe H. Kolman

CHLOE H. KOLMAN

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Joint Motion to Govern have been served through the Court's CM/ECF system on all registered counsel this 15th day of November, 2021.

/s/ Chloe H. Kolman

CHLOE H. KOLMAN