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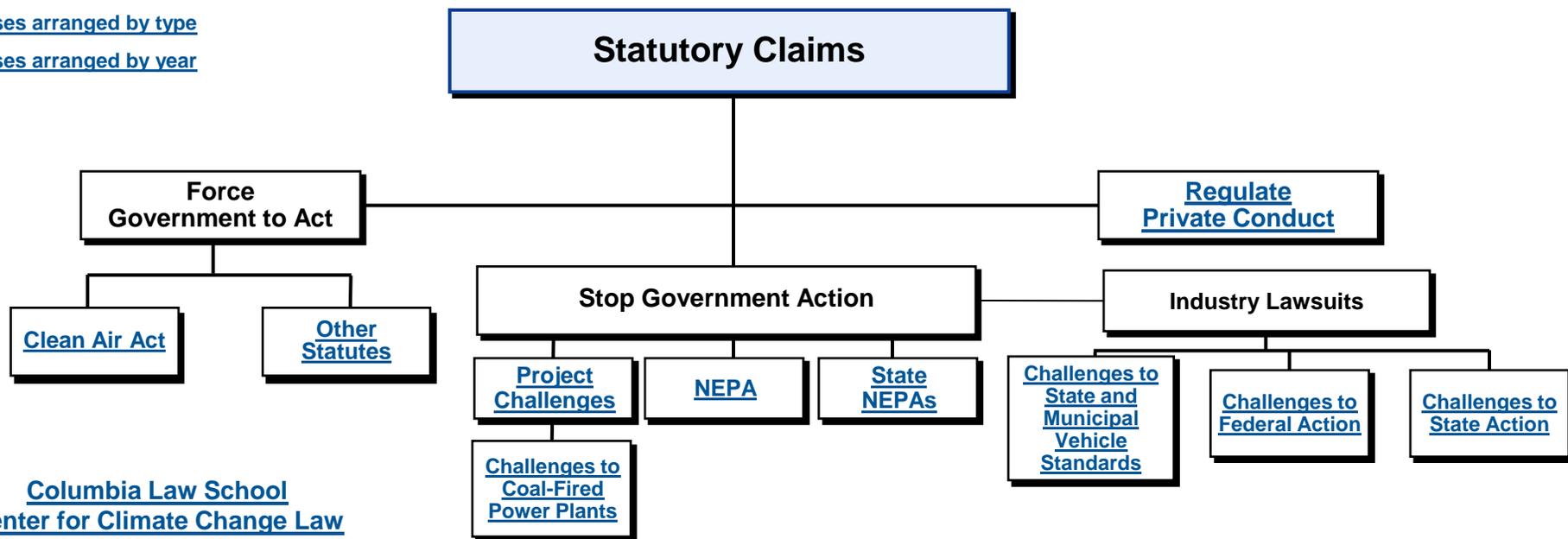
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# CLIMATE CHANGE LITIGATION IN THE U.S.



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- [Climate Change Blog](#)

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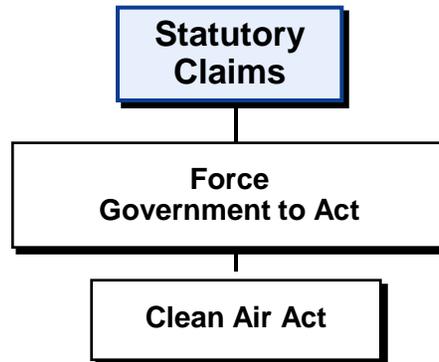
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# CLIMATE CHANGE LITIGATION IN THE U.S.



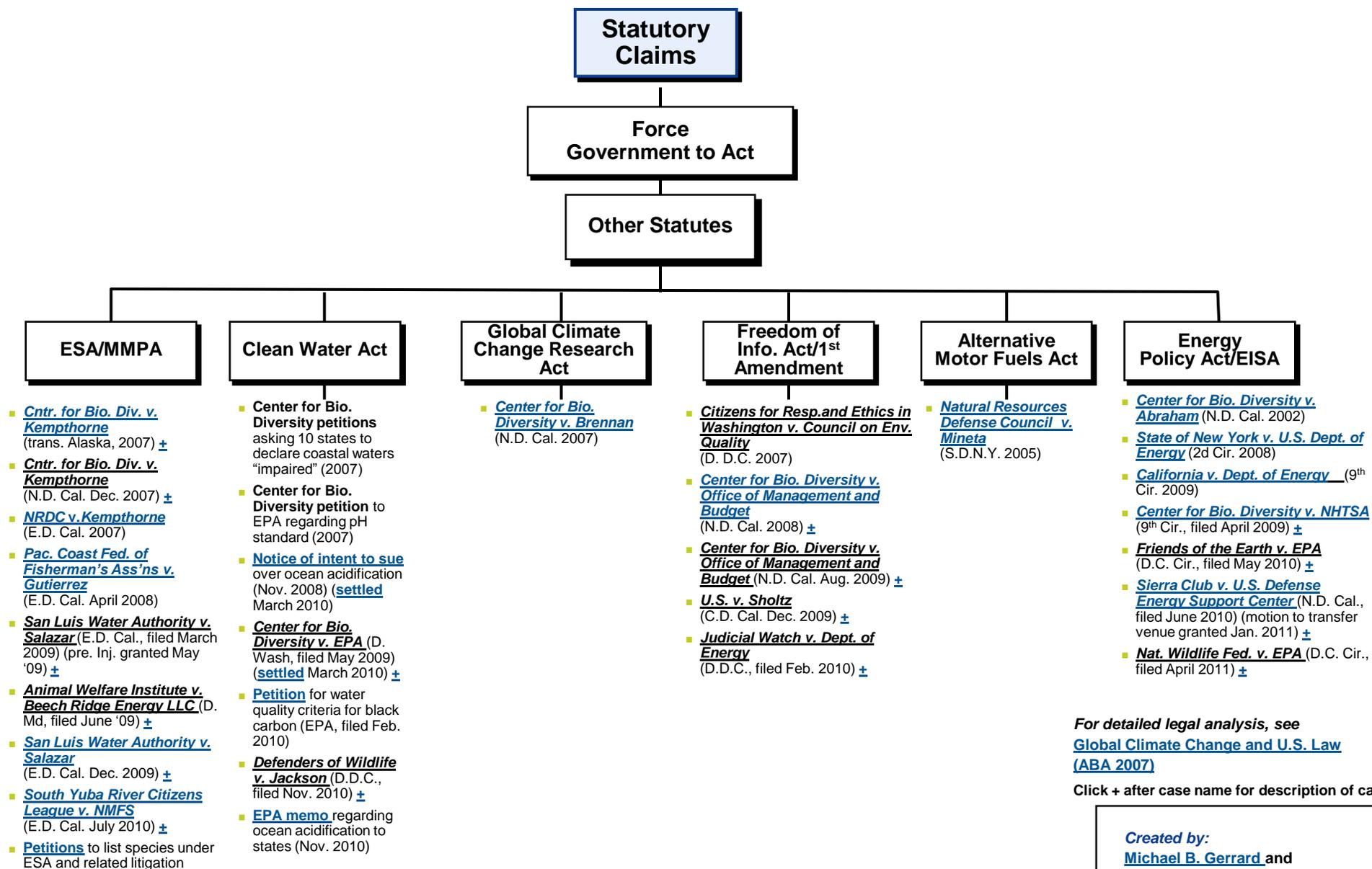
- [Massachusetts v. Whitman](#)  
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- [California Attorney General petition to EPA](#) to regulate GHG emissions from ocean going vessels in U.S. waters (2007)
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- [California v. EPA](#) (9<sup>th</sup> Cir. 2008) (motion to dismiss denied April 2008) (motion to dismiss [granted](#) July 2008)±
- [California Attorney General petition](#) to EPA to regulate GHG emissions of aircrafts (Dec. 2007)
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- [EPA's Advance Notice of Proposed Rulemaking Regarding GHG Regulations](#)(July 2008)
- [Notice of intent to sue EPA](#) for failing to regulate GHG emissions from aircraft, oceangoing vessels and other equipment (July 2008)
- [New York v. EPA](#) (D.C. Cir., filed Aug. 2008) ±
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- [Presidential memo](#) to EPA regarding reassessment of denial of California waiver (Jan. 2009)
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- [EPA Clean Air Act waiver](#) to California (June 2009)
- [Petition](#) to EPA outlining reasons why agency has authority under CAA to regulate motor vehicles and aircraft (July 2009)
- [Humane Society v. Jackson](#) (EPA, filed Sept. 2009) ±
- [Petition](#) to EPA to establish national pollution limits for greenhouse gases under CAA (EPA, filed Dec. 2009)
- [Petition](#) to list coal times as source of air pollution and to establish emissions standards for certain pollutants (EPA, filed June 2010)
- [Sierra Club v. EPA](#) (D.C. Cir., filed Dec. 2009) ±
- [Center for Biological Diversity v. EPA](#) (D.C. Cir., filed May 2010) ±
- [Center for Biological Diversity v. EPA](#) (D.D.C., filed June 2010) (motion to intervene [denied](#) April 2011) ±
- [Notice of intent to sue Washington State](#) for failing to regulate GHGs from five oil refineries under state CAA (Aug. 2010)
- [Petition](#) to regulate black carbon from trains (Sept. 2010)
- [In re Russell City Energy Center LLC](#) (EPA EAB Nov. 2010) ±
- [Pacific Merchant Shipping Ass'n v. EPA](#) (9<sup>th</sup> Cir. March 2011) ±
- For industry challenges under the Clean Air Act and related EPA actions, go [here](#).

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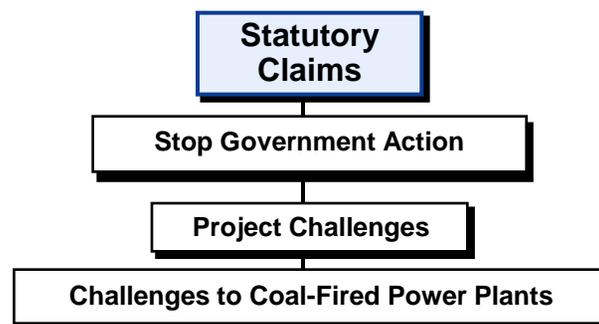


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[Montana Env. Info. Center v. Johanns](#)  
(D. D.C., filed 2007)

[Groce v. Pa. Dept. of Env. Protection](#)  
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[Dean v. Kansas Dept. of Health and Env.](#)  
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[In re Florida Power & Light](#)  
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[Sierra Club v. EPA](#)  
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[In re ConocoPhillips](#) (EPA Env. App. Bd.,  
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[Kansas Dept. of Health & Env.](#)  
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[Sunflower v. Kan. Dept. of Health & Env.](#)  
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[SF Chptr of A. Phillip Randolph Inst. v. EPA](#)  
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[In re Otter Tail Power Co.](#)  
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[Mt. Env. Info. Center v. Mt. Dept. of Energy](#)  
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[In re Christian Co. Generation, LLC](#)  
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[In re Desert Power Electric Cooperative](#)  
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[Citizens for Env. Inquiry v. DEQ](#)  
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[Sierra Club v. Duke Energy Indiana](#)  
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[In re Appalachian Power Co.](#)  
Va. Corp. Comm., April 2008)

[Desert Rock Energy Co. and Dine Power Auth. v. EPA](#) (S.D. Tex., filed 2008)

[Friends of the Chattahoochee, Inc v. GA Dept. of Nat. Res.](#) (June 2008) ±

[Mont. Env. Info. Center v. Mont. DEQ](#)  
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[Sierra Club v. USDA Rural Util. Serv.](#) (D.D.C. July 2008) (motion to dismiss denied) (motion for SJ in favor of Sierra Club **granted** March 2011) ±

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[Sierra Club v. EPA](#) (11th Cir. 2008) ±

[Commonwealth of Kentucky Env. & Pub. Prot. Cab. v. Sierra Club](#) (Ken. Ct. App. 2008)

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[Sevier Power Co. LLC v.Bd. of Sevier Co. Commissioners](#)(Utah Sup. Ct. Oct. 2008) ±

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[In re Desert Rock Energy Co. LLC](#)  
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[North Carolina v. TVA](#) (W.D.N.C. Jan. 2009) ±

[In re N. Mich. Univ. Ripley Heating Plant](#)  
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[Env. Def. Fund v. S.C. Bd. of Health & Env. Control](#)  
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[App. Voices v. Vir. State Corp. Comm.](#)  
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[In re Desert Rock Energy Co. LLC](#)  
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[N.C. Waste Awareness & Reduction Network v. N.C. Dept. of Env. & Nat. Resources Dept.](#)  
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[Sierra Club v. EPA](#) (D.D.C. June 2009) ±

[Hempstead Co. Hunting Club, Inc. v. Ark. Pub. Serv. Comm.](#)  
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[Longleaf Ene. v. Friends of Chattahoochee](#)  
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[Mirant Potomac River LLC v. EPA](#) (4th Cir. Aug. 2009) ±

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[\[continued on next page\]](#)

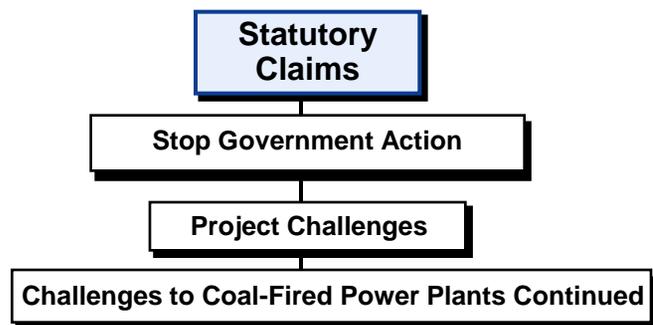
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## CLIMATE CHANGE LITIGATION IN THE U.S.

**[Friends of the Chattahoochee v. Longleaf](#)**

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**[Underwriters at Lloyd's of London v. NFC Mining, Inc.](#)**

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**[Citizens for Env. Inquiry v. Dept. of Env. Quality](#)**

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**[Sierra Club v. U.S. Army Corps of Engineers](#)**

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**[Powder River Basin Resource Council v. Wyoming Dept. of Env. Quality](#)**

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**[Sierra Club v. Southwest Washington Clean Air Agency](#)**

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**[Sierra Club v. Jackson](#)**(W.D. Wis., consent decree filed April 2010) ([EPA order](#)) ±**[Hempstead Co. Hunting Club v. Arkansas Pub. Serv. Comm.](#)**

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**[Appalachian Voices v. State Air Poll. Control Bd.](#)**

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**[Friends of the Chattahoochee v. Georgia Dept. of Nat. Resources](#)**

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**[Sierra Club v. Jackson](#)**

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**[North Carolina v. TVA](#)**(4<sup>th</sup> Cir. July 2010) ±**[Appalachian Voices v. Chu](#)**

(D.D.C. July 2010) ±

**[Sierra Club v. Otter Tail Power Co.](#)**(8<sup>th</sup> Cir. Aug. 2010) ±**[United States v. DTE Energy](#)**

(E.D. Mich., filed Aug. 2010) ±

**[Sierra Club v. Energy Future Holdings Corp.](#)**

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**[Sierra Club v. Wisconsin Power & Light Co.](#)**

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**[Sierra Club v. Duke Energy Indiana](#)**

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**[United States v. Cinergy Corp.](#)**(7<sup>th</sup> Cir. Oct. 2010) ±**[Sierra Club v. U.S. Army Corps of Engineers](#)**

(W.D. Ark. Oct. 2010) (motion for stay of injunction denied Nov. 2010) ±

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**[Fall-Line Alliance for a Clean Environment v. Barnes](#)**

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**[Hempstead Co. Hunting Club v. Southwestern Ele. Power Co.](#)**(8<sup>th</sup> Cir. Dec. 2010) ±**[Holland v. Mich. Dept. of Nat. Resources and Env.](#)**

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**[U.S. v. EME Homer City Generation LP](#)**

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**[U.S. v. Northern Indiana Public Service Co.](#)**

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(E.D. Tenn, settled April 2011) ±

**[Sierra Club v. Texas Comm. on Env. Equality](#)**

(Tex. Dist. Ct., filed May 2011) ±

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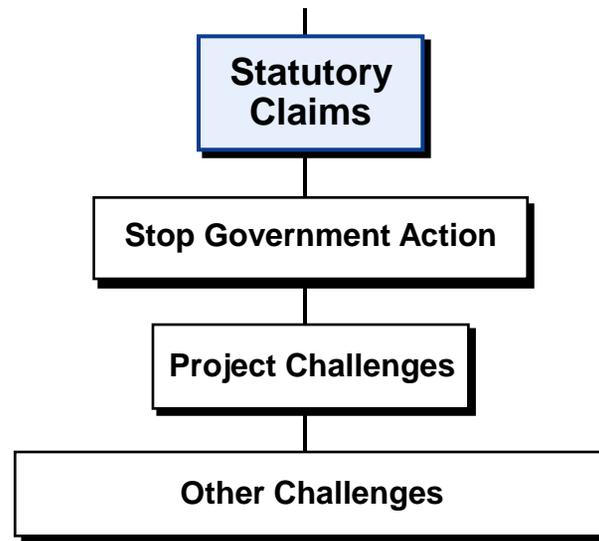
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## CLIMATE CHANGE LITIGATION IN THE U.S.



- [\*Northwest Environmental Def. Center v. Owens Corning Corp.\*](#) (D. Oregon 2006)
- [\*Montana Environmental Information Center v. Montana DEQ & Bull Mountain Development\*](#) (filed June 2007)
- [\*Savoy Energy, LLC v. New Mexico Inst. of Mining and Tech.\*](#) (D. Utah, filed Jan. 2010) [+](#)

For detailed legal analysis, see [Global Climate Change and U.S. Law \(ABA 2007\)](#)

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## CLIMATE CHANGE LITIGATION IN THE U.S.

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- [Seattle Audubon Soc. v. Lyons](#) (W.D. Wash. 1994)
- [APAC, Inc. v. Bonneville Power Adm.](#) (9<sup>th</sup> Cir. 1997)
- [Council on Env. Quality Draft Memo on Climate Change](#) (Oct. 1997)
- [Border Power Plant Working Group v. Dept. of Energy](#) (S.D. Cal. 2003)
- [Mid States Coalition for Progress v. Surface Transportation Board](#) (8<sup>th</sup> Cir. 2003)
- [Senville v. Peters](#) (D. Vt. 2004) ±
- [Friends of the Earth v. Watson](#) (N.D. Cal. 2005) ±
- [National Audubon Society v. Kempthorne](#) (D. Alaska 2006) ±
- [NW Envtl. Advocates v. Nat'l Marine Fisheries Serv.](#) (9<sup>th</sup> Cir. 2006) ±
- [Mayo Found. v. Surface Transportation Board](#) (8<sup>th</sup> Cir. 2006)
- [Center for Bio. Diversity v. U.S. Dept. of Interior](#) (D.C. Cir., filed July 2007) ±
- [Friends of the Earth v. Mosbacher](#) (N.D. Cal. 2007), Interlocutory appeal denied (Sept. 2007) (settled Feb. 2009) ([Ex-Im settlement](#)) ([OPIC settlement](#)) ±
- [North Slope Borough v. Minerals Mgm't Service](#) (D. Alaska 2007) ±
- [Izaak Walton League of America v. Kimbell](#) (D. Minn. 2007)
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- [Hapner v. Tidwell](#) (D. Montana, Oct. 2008) ±
- [WildEarth Guardians v. Fish and Wildlife Serv.](#) (D. Col., filed Oct. 2008)
- [Montana Env. Info. Center v. BLM](#) (D. Mon., filed Dec. 2008) (settled March 2009) ±
- [Bravos v. BLM](#) (D. N M, filed Jan. 2009) ±
- [Sierra Club v. Dept. of Interior](#) (D. Utah, filed Jan. 2009)
- [Sierra Club v. Two Elks Generation Partners](#) (D. Wyoming, filed Jan. 2009) ±
- [Center for Bio. Diversity v. Dept. of Interior](#) (D.C. Cir., April 2008) ±
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- [Sierra Club v. U.S. Dept. of State](#) (N.D. Cal., filed Sept. 2009) ±
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- [Sierra Club v. U.S. Dept. of State](#) (N.D. Cal., Sept. 2009) ±
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- [In re Black Mesa Complex](#) (Dept. of Interior Jan. 2010)
- [Sierra Club v. Clinton](#) (D. Minn. Feb. 2010) ±
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- [WildEarth Guardians v. Salazar](#) (D.D.C., filed April 2011) ±

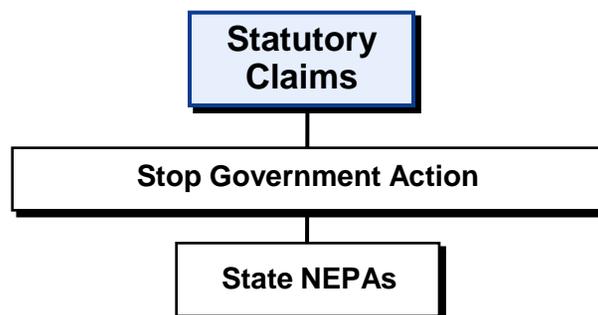
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## CLIMATE CHANGE LITIGATION IN THE U.S.



- [\*GM Corp. v. California Air Resources Board\*](#) (Cal. Sup. Ct. 2005)
- [\*State of California v. County of San Bernardino\*](#) (Cal. Super. Ct. 2007) (settled)
- [\*NRDC v. State Reclamation Bd.\*](#) (Cal. Super. Ct. April 2007)
- [\*Center for Bio. Diversity v. City of Banning\*](#) (Riverside Co. Sup. Ct. 2006)
- [\*Minn. Center for Env. Advocacy v. Holsten\*](#) (Dist. Ct. Itasca Co. 2007) ±
- [\*Am. Canyon Comm. United for Resp. Growth v. City of Am. Canyon\*](#) (Napa. Co. Sup. Ct. 2007)
- [\*Santa Clarita Oak Conservatory v. City of Santa Clara\*](#) (L.A. Co. Sup. Ct. Aug. 2007) ±
- [California Attorney General GHG-related CEQA materials](#)
- [Settlement](#) concerning ConocoPhillips Clean Fuels expansion project in Contra Costa Co. (2007)
- [Cal. Attorney General agreement with Los Angeles concerning GHG emissions from port](#) (Dec. 2007)
- [\*Highland Springs v. City of Banning\*](#) (Riverside Co. Sup. Ct. Jan. 2008)
- [Settlement](#) concerning ConocoPhillips Clean Fuel Expansion Project in Contra Costa Co. (2007)
- [\*Center for Bio. Diversity v. City of Perris\*](#) (Riverside Co. Sup. Ct. March 2008) (settled March 2010) ±
- [Cal. Attorney General agreement](#) with S.D. Airport to reduce GHG emissions (May 2008)
- [\*Arcadia First v. City of Arcadia\*](#) (Los Angeles Co. Sup. Ct. May 2008)
- [\*Env. Council of Sacramento v. Cal. Dept. of Transportation\*](#) (Sac. Co. Sup. Ct. July 2008)
- [\*NRDC v. South Coast Air Quality Management Dist.\*](#) (L.A. Co. Sup. Ct. July 2008)
- [\*El Charro Vista v. City of Livermore\*](#) (Alameda Co. Sup. Ct. July 2008) ±
- [\*Center for Bio. Diversity v. City of Desert Hot Springs\*](#) (Riverside Co. Sup. Ct. August 2008) ±
- [Cal. Attorney General agreement with City of Stockton to curb GHG emissions](#) (Sept. 2008)
- [\*Communities for a Better Env. v. City of Richmond\*](#) (Contra Costa Co. Sup. Ct. , filed Sept. 2008) ±
- [\*Center for Bio. Diversity v. San Joaquin Valley Air Pollution Control District\*](#) (Fresno Co. Sup. Ct., filed Oct. 2008) ±
- [\*Minn. Center for Env. Advocacy v. Holsten\*](#) (Minn. Dist. Ct. Oct. 2008) ±
- [\*Center for Bio. Diversity v. Cal. Pub. Utilities Comm.\*](#) (Cal. Supreme Ct., filed Jan. 2009)
- [\*Laidlaw Energy v. Town of Ellicottville\*](#) (N.Y. App. Ct. Feb. 2009) ±
- [\*Center for Bio. Diversity v. Town of Yucca Valley\*](#) (San Bernardino Co. Sup. Ct. May 2009) (settled March 2010) ±
- [\*Communities for a Better Env. v. City of Richmond\*](#) (Contra Costa Co. Sup. Ct. June 2009) ±
- [\*Assoc. of Irrigated Residents v. Cal. Air Res. Board\*](#) (S.F. Co. Sup. Ct., filed June 2009) (Jan. 2011 [tentative ruling](#) setting aside implementation of Global Warming Solutions Act) (March 2011 [final ruling](#)) ±
- [\*Sustainable Trans. Advocates of Santa Barbara v. Santa Barbara Co. Assoc. of Gov.\*](#) (S.B. Co Sup. Ct June 2009) ±
- [\*Health First v. March Joint Powers Authority\*](#) (Ca. Ct. App. June 2009)
- [\*Trans. Solutions Def. and Ed. Fund v. CalTrans\*](#) (Sacramento Co. Sup. Ct. filed Aug. 2009) ±
- [\*Musicraft, Inc. v. City of Ann Arbor\*](#) (Mich. Cir. Ct., filed Aug. 2009) (settled)
- [\*Minn. Center for Env. Advocacy v. Holsten\*](#) (Minn. Ct. App. Sept. 2009) ±
- [\*Center for Bio. Diversity v. Cal. Dept. of Forestry\*](#) (Tehama Co. Sup. Ct. filed Aug. 2009) ±
- [\*Public Citizen v. Texas Comm. on Environmental Quality\*](#) (Tex. Dist. Ct., filed Oct. 2009) ±
- [Center for Bio. Diversity \[letter\]\(#\) to CARB seeking revocation of its Forest Project Protocol](#) (Nov. 2009)
- [\*Save the Plastic Bag Coalition v. City of Manhattan Beach\*](#) (Cal. Ct. App. Jan. 2010) ±
- [\*Center for Bio. Diversity v. Cal. Dept. of Forestry and Fire Protection\*](#) (Cal. Sup. Ct., filed Jan. 2010) ±
- [\*Jones v. Regents of the Univ. of Cal.\*](#) (Cal. Sup. Ct. March 2010) ±
- [\*Communities for a Better Env. v. City of Richmond\*](#) (Cal. Ct. App. April 2010) ±
- [\*Northern Plains Resource Council v. Mont. Bd. of Land Comm.\*](#) (Mont., filed May 2010) (motion to dismiss denied Jan. 2011) ±
- [\*Mont. Env. Info. Center v. Mont. Bd. of Land Comm.\*](#) (Mont., filed May 2010) (motion to dismiss denied Jan. 2011) ±
- [\*Center for Bio. Diversity v. Co. of San Bernardino\*](#) (Cal. Dist Ct. May 2010) ±
- [\*San Diego Navy Broadway Complex v. City of San Diego\*](#) (Cal. App. Ct. June 2010) ±

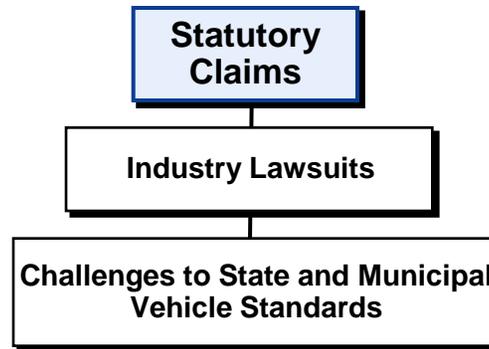
- [\*Olmstead County Concerned Citizens v. Minn. Poll. Control Agency\*](#) (Minn. Ct. App. Dec. 2010) ±
- [\*Climate Solutions v. Cowlitz Co.\*](#) (Wash. Shorelines Hearing Bd., filed Dec. 2010) ±
- [\*Minn. Center for Env. Advocacy v. Minn. Pub. Util. Comm.\*](#) (Minn. Ct. App. Dec. 2010) ±
- [\*Woodward Park Homeowners Association v. City of Fresno\*](#) (Cal. Ct. App. Feb. 2011) ±
- [\*Power Inn Alliance v. Co. of Sacramento Env. Management Dept.\*](#) (Cal. Ct. App. March 2011) ±
- [\*Valley Advocates v. City of Atwater\*](#) (Cal. Ct. App. March 2011) ±

For detailed legal analysis, see [Global Climate Change and U.S. Law \(ABA 2007\)](#)

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# CLIMATE CHANGE LITIGATION IN THE U.S.



- **[Green Mountain Chrysler v. Torti](#)** (later **[Crombie](#)**) (D. Vt., filed 2005) (**[verdict](#)** for defendants in 2007) (**[settled](#)** April 2010) ±
- **[Central Valley Chrysler v. Goldstein](#)** (E.D. Cal. Dec. 2007) (**[injunction granted](#)**) (June 2008) (motion to modify injunction **[denied](#)**) (Sept. 2008) (motion for attorneys fees denied) (**[settled](#)** April 2010) ±
- **[Association of International Auto. Manufacturers v. Sullivan](#)** (D.R.I. 2006) (**[settled](#)** April 2010)
- **[Lincoln Dodge, Inc. v. Sullivan](#)** (D. R.I. 2007) (motion to dismiss denied) (Nov. 2008) (motion for plaintiffs **[granted](#)**) (**[settled](#)** April 2010) ±
- **[Zangara Dodge, Inc. v. Curry](#)** (D.N.M., filed Dec. 2007) (**[settled](#)** July 2010)
- **[Metropolitan Taxicab Board of Trade v. New York City](#)** (S.D.N.Y., filed Sept. 2008) (**[decision](#)** granting pre. inj. June 2009) (2d Cir. **[decision](#)** affirming pre. inj. July 2010) (petition for cert. filed Nov. 2010) (cert. denied Feb. 2011) ±
- **[Presidential memo regarding fuel economy standards](#)** (Jan. 2009)
- **[Ophir v. City of Boston](#)** (D. Mass July 2009) (issuing preliminary injunction) (Aug. 2009) (**[enjoining](#)** city from requiring purchase of hybrid vehicles) ±
- **[Hanosh v. King](#)** (N.M. Sept. 2009) ±
- **[Assoc. of Taxicab Operators USA v. City of Dallas](#)** (N.D. Tex., filed April 2010) (pre. Inj. denied Aug. 2010) ±
- **[Cal. Dump Truck Owners Assoc. v. Nichols](#)** (E.D. Cal., March 2011) ±

For detailed legal analysis, see **[Global Climate Change and U.S. Law \(ABA 2007\)](#)**

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# CLIMATE CHANGE LITIGATION IN THE U.S.

## Endangerment Finding

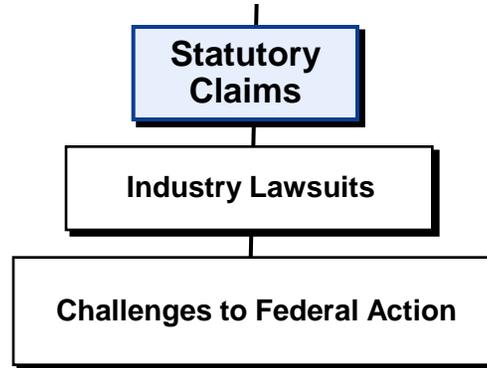
- [Petitions](#) for reconsideration of endangerment finding (EPA, filed Dec. 2009)
- [Denial](#) of petitions for reconsideration (EPA July 2010)
- Petition challenging data relied on in making endangerment finding (EPA, filed July 2010)
- [Coalition for Responsible Regulation v. EPA](#) (D.C. Cir. Index No. 09-1322) (consolidating [27 cases](#), challenging endangerment finding) (Dec. 2010 [denied motion](#) to stay regulations) ±

## GHG Reporting Rule

- [American Chemistry Council v. EPA](#) (D.C. Cir., filed Dec. 2009) (settled July 2010) ±
- [American Petroleum Institute v. EPA](#) (D.C. Cir., filed Dec. 2009) (settled July 2010) ±
- [Energy Recovery Council v. EPA](#) (D.C. Cir., filed Dec. 2009) (settled July 2010) ±
- [Fertilizer Institute v. EPA](#) (D.C. Cir., filed Dec. 2009) (settled July 2010) ±
- [American Public Gas Association v. EPA](#) (D.C. Cir., filed Dec. 2009) (settled July 2010) ±
- [Utility Air Regulatory Group v. EPA](#) (D.C. Cir., filed Dec. 2009) (settled July 2010)
- [American Gas Ass'n v. EPA](#) (D.C. Cir., filed Jan. 2011) ±
- [Gas Processors Ass'n v. EPA](#) (D.C. Cir., filed Jan. 2011) ±
- [Interstate Nat. Gas Ass'n of America v. EPA](#) (D.C. Cir., filed Jan. 2011) ±
- [Semiconductor Industry Ass'n v. EPA](#) (D.C. Cir. Jan. 2011) ±

## Cars/Light Trucks Rule

- [Coalition for Responsible Regulation v. EPA](#) (D.C. Cir. Index No.10-1092) (consolidating [17 cases](#) challenging rule) ±
- [Chamber of Commerce v. EPA](#) (D.C. Cir. April 2011) (rejecting challenge to California waiver) ±



## Tailoring Rule

- [Southeastern Legal Foundation v. EPA](#) (D.C. Cir. Index No. 10-1131) (consolidating [26 cases](#) challenging rule) ±

**Note:** in November 2010, this case was consolidated under [Coalition for Responsible Regulation v. EPA](#) (D.C. Cir. Index No. 10-1073) (see below)

- [Petition to Reconsider PSD Regulations](#) (EPA, filed July 2010)
- [Center for Bio. Diversity v. EPA](#) (D.C. Cir., filed April 2011) ±

## PSD Timing Rule

- [Coalition for Responsible Regulation v. EPA](#) (D.C. Cir. Index No. 10-1073) (consolidating [18 cases](#) challenging rule). In Nov. 2010, this case was consolidated with [Southeastern Legal Foundation v. EPA](#) (D.C. Cir. Index No. 10-1131 (see above) with the consolidated case name of [Coalition for Responsible Regulation v. EPA](#) (D.C. Cir. Index No. 10-1073)
- [Texas v. EPA](#) (D.C. Cir., Index No. 10-1425, filed Dec. 2010) (emergency stay denied Dec. 29 by 5<sup>th</sup> Cir.) (emergency stay [ordered](#) Dec. 30 by D.C. Cir.) (stay [denied](#) Jan. 12, 2011) (transferred to D.C. Cir. Feb. 2011) ±
- [Texas v. EPA](#) (D.C. Cir., filed Feb. 2011) ±
- [Wyoming v. EPA](#) (10<sup>th</sup> Cir., filed Feb. 2011) ±
- [Utility Air Regulatory Group v. EPA](#) (D.C. Cir., filed Feb. 11, 2011) ±
- [SIP/FIP Advocacy Group v. EPA](#) (D.C. Cir., filed Feb. 2011) ±
- [Utility Air Regulatory Group v. EPA](#) (D.C. Cir., filed Feb. 28, 2011) ±
- [Chase Power Dev., LLC v. EPA](#) (D.C. Cir., filed Feb. 28, 2011) ±
- [Texas v. EPA](#) (D.C. Cir., filed May 2011) ±

## Other Rules

- [National Petrochemical and Refiners Assoc. v. EPA](#) (D.C. Cir., filed March 2010) ([petition denied](#) Dec. 2010) (motion for en banc rehearing [denied](#) April 2011) ±
- [National Chicken Council v. EPA](#) (D.C. Cir., filed May 2010) ±
- [Pinnacle Ethanol v. EPA](#) (D.C. Cir., filed May 2010) ±
- [Petition](#) to include biomass emissions in GHG inventory (EPA, filed July 28, 2010)
- [Arkema, Inc. v. EPA](#) (D.C. Cir., filed Aug. 2010) ±
- [Sierra Club v. EPA](#) (D.C. Cir., filed Nov. 2010) ±
- [Grocery Manufacturers Association v. EPA](#) (D.C. Cir., filed Nov. 2010) ±
- [Alliance of Automobile Manufacturers v. EPA](#) (D.C. Cir., filed Dec. 2010) ±
- [National Petrochemical & Refiners Assoc. v. EPA](#) (D.C. Cir., filed Jan. 2011) ±
- [Alliance of Automobile Manufacturers v. EPA](#) (D.C. Cir., filed Feb. 2011) ±
- [Grocery Manufacturers Ass'n v. EPA](#) (D.C. Cir., filed March 2011) ±
- [National Petrochemical & Refiners Association v. EPA](#) (D.C. Cir., filed March 2011) ±

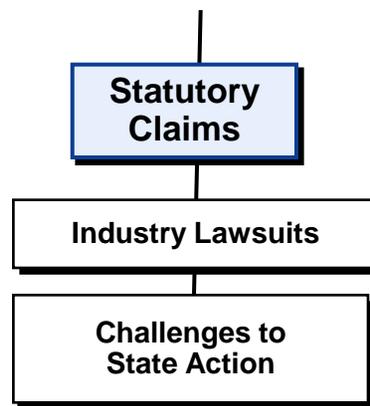
For detailed legal analysis, see [Global Climate Change and U.S. Law \(ABA 2007\)](#)

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## CLIMATE CHANGE LITIGATION IN THE U.S.



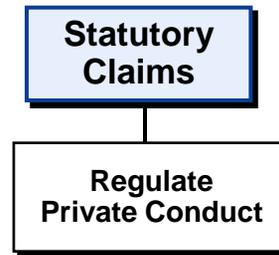
- [\*In re Quantification of Environmental Costs\*](#)  
(Minn. Ct. App. 1998)
- [\*Alliance of Auto. Manufacturers v. Sheehan\*](#)  
(Sup. Ct. N.Y. Co. 2005) (withdrawn)
- [\*Air Conditioning, Heating & Refrig. Inst. v. City of Albuquerque\*](#)(D. N.M. Oct. 2008) (summary motion [partially granted](#) Sept. 2010)
- [\*Tesoro Refining & Marketing Co. v. Cal. Air Resources Bd.\*](#)  
(Sac. Co. Sup. Ct., filed Sept. 2008)
- [\*Ash Grove Texas, LP v. City of Dallas\*](#)  
(N.D. Tex. Nov. 2008) ±
- [\*Indeck Cornith v. Paterson\*](#)  
(N.Y. Sup. Ct., filed Jan. 2009) ([settled](#) Dec. 2009) ±
- [\*California Business Properties Association v. CARB\*](#)  
(Sac. Co. Sup. Ct., filed May 2009) (state FOIA) ±
- [\*Rocky Mountain Farmers Union v. Goldstene\*](#)  
(E.D. Cal., filed Dec. 2009) (motion to defer pending SJ motion granted Jan. 2011) ±
- [\*Leavell v. New Mexico Env. Improvement Bd.\*](#)  
(D. N.M., [filed](#) Jan. 2010) (pre. inj. granted April 2010) (preliminary injunction [lifted](#) June 2010)([reversed and remanded](#) Nov. 2010) (writ of mandamus issued by Sup. Ct. Jan. 2011) ±
- [\*National Petrochemical & Refiners Association v. Goldstene\*](#)  
(E.D. Cal., filed Feb. 2010) ±
- [\*Mirant Mid-Atlantic LLC v. Montgomery County\*](#)  
(D. Md., filed June 2010) (motion to dismiss granted July 2010) ±
- [\*National Petrochemical & Refiners Association v. Goldstene\*](#) (E.D. Cal. June 2010) ±
- [\*Erickson v. Gregoire\*](#)  
(Wash. Super. Ct., filed July 2010) (motion to dismiss granted Oct. 2010) ±
- [\*Coupal v. Bowen\*](#)  
(Cal. Sup. Ct., filed July 2010) (decision Aug. 2010) ±
- [\*Building Industry Association of Wash. v. Wash. State Building Code Council\*](#) (W.D. Wash. Feb. 2011) ±

For detailed legal analysis, see [Global Climate Change and U.S. Law \(ABA 2007\)](#)

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# CLIMATE CHANGE LITIGATION IN THE U.S.



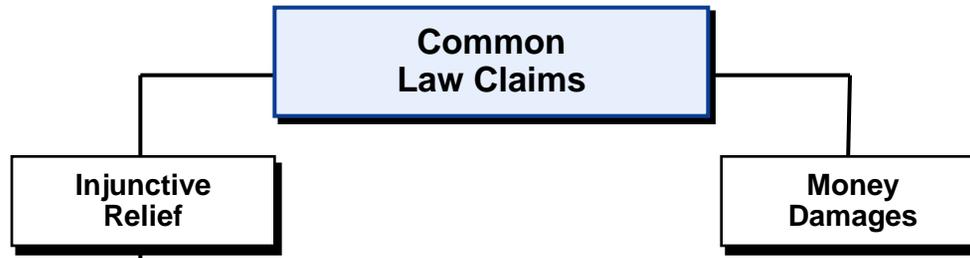
- [Okeson v. City of Seattle](#)  
(Wash. 2007)
- [International Finance Corp. v. Korat](#)  
(S.D.N.Y. 2007)
- [New York Attorney General subpoenas to coal utilities](#) concerning disclosure of climate risks in SEC filings (Sept. 2007)
- [Environmental Defense petition to Securities and Exchange Commission](#) to require companies to disclose climate risk information (Sept. 2007)
- [Free Enterprise Action Fund petition to Securities and Exchange Commission](#) to require companies to disclose business risks of laws and regulations intended to address global warming (Oct. 2007)
- [GE request to SEC to omit shareholder proposal](#) to prepare global warming report for its 2008 annual shareholders meeting (denied by SEC 2008)
- [New York AG Settlement With Xcel Energy](#) concerning disclosure of climate risks in SEC filings (Aug. 2008)
- [New York AG Settlement With Dynegy, Inc.](#) concerning disclosure of climate risks in SEC filings (Oct. 2008)
- [SEC briefing paper](#) on possibility of environmental and climate disclosures in securities filings (July 2009)
- SEC staff [bulletin](#) reversing Bush Administration policy excluding shareholder resolutions asking companies to disclose climate-related financial exposure (Oct. 2009)
- [New York AG Settlement with AES Corp.](#) concerning disclosure of climate risks in SEC filings (Nov. 2009)
- [Petition](#) to SEC for interpretative guidance on climate risk disclosure (Dec. 2009)
- [SEC interpretative guidance](#) requiring companies to disclose climate change risks (Jan. 2010)

For detailed legal analysis, see [Global Climate Change and U.S. Law \(ABA 2007\)](#)

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# CLIMATE CHANGE LITIGATION IN THE U.S.



- [\*Connecticut v. American Electric Power\*](#)  
 (S.D.N.Y. 2005) (dismissed) (2d Cir. Sept. 2009)  
 ([reversed dismissal](#)) (en banc petition for rehearing  
[denied](#) March 2010) (cert petition filed by AEP Aug.  
 2010) ([cert petition](#) filed by federal gov. Aug. 2010)  
 (amicus cert petition filed by states Sept. 2010) ([cert](#)  
[granted Dec. 6, 2010; argument set for April 19,](#)  
[2011](#)) ([TVA brief](#)) ([other briefs](#)) ([oral argument](#)  
[transcript](#)) ±
- [\*Korsinsky v. EPA\*](#)  
 (S.D.N.Y. 2005) (dismissed)  
*Aff'd* (2d Cir. 2006)
- [\*Alec L. v. Jackson\*](#) (N.D. Cal., filed May 2011) ±
- [\*Comer v. Murphy Oil USA, Inc.\*](#)  
 (dismissed August 2007) (5<sup>th</sup> Cir. [partially](#)  
[reversed dismissal](#) Oct. 2009) (en banc petition  
 for rehearing [granted](#) Feb. 2010) (appeal  
 dismissed May 2010) ([petition for writ of](#)  
[mandamus](#) filed by plaintiffs Aug. 2010) (writ  
 denied Jan. 2011) ±
- [\*California v. GM Corp.\*](#)  
 (N.D. Cal. 2006) (dismissed Sept. 2007) (appeal  
 pending) [Request for continuance of oral](#)  
[argument](#) (Jan. 2009) [Appeal voluntarily](#)  
[dismissed](#) (June 2009) ±
- [\*Native Village of Kivalina v. ExxonMobil Corp.\*](#),  
 (N.D. Cal., filed Feb. 2008) (dismissed Sept.  
 2009) (appeal pending) ±
- [\*Steadfast Ins. Co. v. The AES Corp.\*](#)  
 (Arlington Co. Cir. Ct., filed July 2008) (motion for  
 summary judgment [denied](#) Feb. 2010) ±

For detailed legal analysis, see  
[Global Climate Change and U.S. Law](#)  
[\(ABA 2007\)](#)

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## CLIMATE CHANGE LITIGATION IN THE U.S.

### Public International Law Claims

- [Inuit petition to Inter-American Commission on Human Rights](#)
- [Petitions to the World Heritage Committee](#)
- [United Nations Human Rights Council Resolution to Study Impact of Climate Change on Human Rights](#)  
(March 2008)
- [Petition to the World Heritage Committee Regarding Black Carbon](#)  
(Jan. 2009)
- [United Nation Human Rights Council Resolution to Hold Panel Discussion on Climate Change and Human Rights](#)  
(March 2009)

*For detailed legal analysis, see*  
[Global Climate Change and U.S. Law \(ABA 2007\)](#)

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## CLIMATE CHANGE LITIGATION IN THE U.S.

### Climate Change Protestors and Scientists

[Chamber of Commerce v. Servin](#)

(D.D.C., filed Oct. 2009) [±](#)

[United States v. DeChristopher](#)

(D. Utah Nov. 2009) [±](#)

[Seeds of Peace Collective v. City of Pittsburgh](#)

(W.D. Penn. May 2010) [±](#)

[Competitive Enterprise Institute v. NASA](#)

(D. D.C., filed May 2010) [±](#)

[University of Virginia v. Virginia Attorney General](#)

(Va. Cir. Ct., filed May 2010) ([order](#) dismissing discovery demands issued Aug. 2010) (revised subpoena [issued](#) Sept. 2010) (cert petition to Va. Supreme Court [granted](#) March 2011) [±](#)

[Koch Industries, Inc. v. John Does 1-25](#) (D. Utah, filed

Dec. 2010) ([dismissed](#) May 2011) [±](#)

For detailed legal analysis, see [Global Climate Change and U.S. Law \(ABA 2007\)](#)

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## Petitions Under the Endangered Species Act and Related Litigation

### KITTLITZ'S MURRELET

[Petition](#) to list species as endangered (May 2001)

Findings: [Warranted but precluded](#) (May 2004)

[Warranted but precluded](#) (May 2005)

[Warranted but precluded](#) (Sept. 2006)

[Warranted but precluded](#) (Dec. 2007)

[Petition](#) to Alaska Dept. of Fish and Game to list species as endangered (March 2009) (rejected April 2009)

### POLAR BEARS

[Petition](#) to list species as threatened (Feb. 2005)

[Proposed rule](#) (Jan. 2007)

[Notice of intent to sue over delayed listing](#) (Jan. 2008)

[CBD lawsuit over delayed listing](#) (March 2008)

[Order](#) requiring decision on listing (April 2008)

[Final rule](#) listing Polar Bears as "threatened" (May 2008)

[Center for Biological Diversity v. Kempthorne](#)

(N.D. Cal., filed May 2008) (June 2008) ([denied](#) motion to dismiss lawsuit) (Aug. 2008) ([partially granted](#) motion to intervene) (Oct. 2, 2008) (denied motion for reconsideration of motion to intervene) (Oct. 10, 2008) (denied motion to transfer) (Nov. 2008) (granted motion to intervene in part) ±

[Pac. Legal Found. Notice of Intent to Sue FWS](#) over "threatened" listing (July 2008)

[Alaska v. Kempthorne](#)

(D.D.C., filed Aug. 2008)

[American Pet. Institute v. Kempthorne](#)

(D.D.C., filed Aug. 2008) ±

[Settlement](#) regarding determination on critical habitat (Oct. 2008)

Dept. of Interior [proposal](#) designating critical habitat (Oct. 2009)

[Center for Bio. Diversity v. Kempthorne](#)

(9<sup>th</sup> Cir. Dec. 2009) ±

[Notice of intent to sue](#) approval of drilling in Beaufort and Chukchi seas (May 2010)

[In re Polar Bears Endangered Species Act Litigation](#) (D.D.C. Oct. 2010)

[Designation of critical habitat](#) (FWS Nov. 2010)

[Alaska Oil & Gas Assoc. v. Salazar](#) (D. Alaska, filed March 2011) ±

[Alaska v. Salazar](#) (D. Alaska, filed March 2011)

### PENGUINS

[Center for Bio. Diversity v. Hall](#) (D.D.C. Sept. 2008) ±

[Center for Bio. Diversity v. Salazar](#) (N.D. Cal, filed March 2010) (settled June 2010) ±

### GRIZZLY BEARS

[Greater Yellowstone Coalition v. Servheen](#) (D. Mont. Sept. 2009) ±

### WOLVERINES

FWS [decision](#) finding species a candidate for ESA protection (Dec. 2010)

### CORALS

[Petition](#) to list species as endangered (March 2004)

[90 day finding](#) (positive)

[12 month finding](#) (proposal)

[Final rule](#) (listed)

[Critical habitat proposal](#) for *Elkhorn and Staghorn Corals* (Feb. 2008)

[Notice of Intent to sue](#) over failure to consider climate change threats in new rule protecting coral (Nov. 2008)

[Notice of Intent to sue](#) over failure to protect 83 coral species under ESA (Jan. 2010)

[Notice of Intent to sue](#) over failure to protect 82 coral species under ESA (Jan. 2011)

### AMERICAN PIKA

[California](#) and [federal](#) petitions to list species as threatened (Aug. 2007)

[Center for Bio. Div. v. Kempthorne](#) (E.D. Cal., filed Aug. 2008) ±

[Center for Bio. Div. v. Cal. Fish & Game Comm.](#) (Cal. Sup. Ct., filed Aug. 2008)

State and federal lawsuits seek to require response to state and federal petitions ±

[Notice](#) announcing 90 day finding (May 2009)

[Center for Bio. Div. v. Cal. Fish & Game Comm.](#) (Cal. Sup. Ct., filed Oct. 2009) ±

[12 month finding](#) that species not endangered (Feb. 2010)

[Center for Bio. Diversity v. Cal. Fish and Game Comm.](#) (Cal. Sup. Ct. Oct. 2010) ±

[Center for Bio. Diversity v. Cal. Fish and Game Comm.](#) (Cal. Ct. App. April 2011) ±

### SEALS

[Petition](#) to list species as threatened or endangered (Dec. 2007)

[Notice of intent to sue](#) over failure to list Ribbon Seal under ESA

[Center for Bio. Div. v. Lubchenco](#) (N.D. Cal., filed Sept. 2009)

(motion to transfer [denied](#) Nov. 2009) (SJ granted in favor of gov. Dec. 2010) ±

[NOAA proposal](#) to list ringed and bearded seal as threatened (Dec. 2010)

### PACIFIC WALRUS

[Petition](#) to list species as threatened or endangered (Feb. 2008)

[Center for Bio. Diversity v. FWS](#) (D. Alaska, filed Dec. 2008) ±

[Center for Bio. Diversity v. FWS](#) (D. Alaska Jan. 2010)

### SEA TURTLES

[Center for Bio. Div. v. Locke](#) (N.D. Cal, filed June 2009) ±

[Endangered species and global warming petition](#) pursuant to APA to enhance recovery of endangered species and address the growing impacts of global warming on imperiled species (February 2007)

[Center for Bio. Diversity v. Dept. of Interior](#)

(D. D.C., Jan. 2009) ±

*For detailed legal analysis, see*  
[Global Climate Change and U.S. Law \(ABA 2007\)](#)

Click + after case name for description of case

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## Climate Chart Case Index

Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<a href="#"><u><i>Air Conditioning, Heating and Refrigeration Institute v. City of Albuquerque</i></u></a> (D. N.M., Oct. 2008)	challenges to state action	Energy Policy & Conservation Act (EPCA)	challenge to city's building energy efficiency standards on federal preemption grounds	preliminary injunction granted	active
<a href="#"><u><i>Alabama v. EPA</i></u></a> (D.C. Cir., filed Feb. 2010)	challenges to federal action	Clean Air Act (CAA)	challenge to EPA's endangerment finding concerning greenhouse gases	n/a	active
<a href="#"><u><i>Alabama v. TVA</i></u></a> (E.D. Tenn., settled April 2011)	coal-fired power plant challenges	CAA	Tenn. Valley Authority <a href="#"><u>agreed</u></a> to invest \$3-5 billion in pollution controls at 11 power plants	n/a	not active
<a href="#"><u><i>Alaska v. Kempthorne</i></u></a> (D.D.C., filed Aug. 2008)	other statutes	Endangered Species Act (ESA)	challenge to DOI's "threatened" listing of polar bear	n/a	active
<a href="#"><u><i>Alaska v. Salazar</i></u></a> (D. Alaska, filed March 2011)	Endangered Species Act	ESA	challenge to designation of polar bear habitat	n/a	active
<a href="#"><u><i>Alaska Oil &amp; Gas Assoc. v. Salazar</i></u></a> (D. Alaska, filed March 2011)	Endangered Species Act	ESA	challenge to designation of polar bear habitat	n/a	active
<a href="#"><u><i>Alec L. v. Jackson</i></u></a> (N.D. Cal., filed May 2011)	common law claims	Public Trust Doctrine	Lawsuit alleging violation of the public trust by the government; seeking 6% reduction in GHG emissions every year	n/a	active

## Climate Chart Case Index

Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<a href="#"><u><i>Alliance of Automobile Manufacturers v. EPA</i></u></a> (D.C. Cir., filed Dec. 2010)	challenges to federal action	CAA	challenge to EPA rule allowing use of gasoline with up to 15% ethanol for vehicle model years 2007 or later	n/a	active
<a href="#"><u><i>Alliance of Automobile Manufacturers v. EPA</i></u></a> (D.C. Cir., filed Feb. 2011)	challenges to federal action	CAA	challenge to EPA rule allowing use of gasoline with up to 15% ethanol for vehicle model years 2001-06	n/a	active
<a href="#"><u><i>Alliance of Automobile Manufacturers v. Sheehan</i></u></a> (Sup. Ct. N.Y. Co., filed 2005)	challenges to state action	N.Y. State Env. Quality Review Act (SEQRA)	challenge to New York's decision that no EIS was required before adopting California's GHG emission standards	n/a	case withdrawn
<a href="#"><u><i>American Canyon Committee United for Responsible Growth v. City of American Canyon</i></u></a> (Napa. Co. Sup. Ct. 2007)	state NEPAs	California Env. Quality Act (CEQA)	challenge under CEQA concerning project's effect on climate change	dismissed	no appeal pending
<a href="#"><u><i>American Chemistry Council v. EPA</i></u></a> (D.C. Cir., filed Dec. 2009)	challenges to federal action	CAA	challenge to EPA's reporting rule for GHG sources	<a href="#"><u>settled July 2010</u></a>	<a href="#"><u>settled</u></a>

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<a href="#"><u><i>American Chemistry Council v. EPA</i></u></a> (D.C. Cir, Index No. 10-1167, filed July 6, 2010)	challenges to federal action	CAA	challenge to EPA's tailoring rule	n/a	active
<a href="#"><u><i>American Farm Bureau Association v. EPA</i></u></a> (D.C. Cir., filed Feb. 2010)	challenges to federal action	Clean Air Act (CAA)	challenge to EPA's endangerment finding concerning greenhouse gases	n/a	active
<a href="#"><u><i>American Gas Association v. EPA</i></u></a> (D.C. Cir., filed Jan. 2011)	challenges to federal action	CAA	Challenge to EPA rule requiring oil and natural gas companies to report GHG emissions	n/a	active
<a href="#"><u><i>American Iron &amp; Steel Institute v. EPA</i></u></a> (D.C. Cir., filed Feb. 2010)	challenges to federal action	CAA	challenge to EPA's endangerment finding concerning greenhouse gases	n/a	active
<a href="#"><u><i>American Iron &amp; Steel Institute v. EPA</i></u></a> (D.C. Cir., filed May 2010)	challenges to federal action	CAA	challenge to EPA's rule covering GHG emissions from new and modified stationary sources	n/a	active
<a href="#"><u><i>American Iron &amp; Steel Institute v. EPA</i></u></a> (D.C. Cir., filed June 29, 2010)	challenges to federal action	CAA	challenge to EPA's GHG standards for cars and light trucks	n/a	active
<a href="#"><u><i>American Nurses Assoc. v. EPA</i></u></a> (D. D.C., filed Dec. 2008)	coal-fired power plant challenges	CAA	challenge to government's failure to comply with mandate to reduce toxic chemical emissions from coal-fired power plants	n/a	active
<a href="#"><u><i>American Petroleum Institute v. EPA</i></u></a> (D.C. Cir., filed Dec. 2009)	challenges to federal action	CAA	challenge to EPA's reporting requirement for certain emitters of GHGs	settled July 2010	settled

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<a href="#"><u><i>American Petroleum Institute v. Kempthorne</i></u></a> (D.D.C., filed Aug. 2008)	other statutes	ESA	challenge to interim rule regarding threatened listing for polar bears	n/a	active
<a href="#"><u><i>American Public Gas Association v. EPA</i></u></a> (D.C. Cir., filed Dec. 2009)	challenges to federal action	CAA	challenge to EPA's reporting rule for certain emitters of GHGs	settled July 2010	settled
<a href="#"><u><i>Amigos Bravos v. BLM</i></u></a> (D.N. M. Feb. 2010)	NEPA	NEPA	challenge to BLM's review of oil and gas leases for failure to discuss GHG impacts	motion to dismiss denied	active
<a href="#"><u><i>Animal Welfare Institute v. Beech Ridge Energy, LLC</i></u></a> (D. Md., filed June 2009)	other statutes	ESA	challenge to wind energy project on grounds that it will threatened endangered Indiana bats	n/a	active
<a href="#"><u><i>APAC, Inc. v. Bonneville Power Adm.</i></u></a> (9 <sup>th</sup> Cir. 1997)	NEPA	NEPA	challenge to EIS prepared by power company when it decided to become market competitor in energy market	petition denied	unknown
<a href="#"><u><i>In re Appalachian Power Co.</i></u></a> (Va. Corp. Comm. April 2008)	coal-fired power plant challenges	Virginia state law	power company sought permit for coal-fired power plant	application denied	unknown
<a href="#"><u><i>Appalachian Voices v. Bodman</i></u></a> (D.D.C., filed March 2008)	coal-fired power plant challenges	NEPA	challenge to DOE's failure to evaluate environmental impacts for coal-based energy projects	n/a	active
<a href="#"><u><i>Appalachian Voices v. Chu</i></u></a> (D.D.C. July 26, 2010)	coal-fired power plant challenges	NEPA	challenge to DOE's failure to evaluate environmental impacts for coal-based energy projects	preliminary injunction denied	active

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<a href="#"><u><i>Appalachian Voices v. State Air Poll. Control Bd.</i></u></a> (Virginia May 2010)	coal-fired power plant challenges	NEPA	challenge to grant of PSD permit to operate coal-fired power plant	grant of permit affirmed	unknown
<a href="#"><u><i>Appalachian Voices v. State Air Pollution Control Bd.</i></u></a> (Va. Cir. Ct. Aug. 2009)	coal-fired power plant challenges	CAA	challenge to MACT permit	permit invalidated	unknown
<a href="#"><u><i>Appalachian Voices v. State Air Pollution Control Bd.</i></u></a> (Va. Air Quality Control Bd. Sept. 2009)	coal-fired power plant challenges	CAA	challenge to MACT permit	approved revised permit	unknown
<a href="#"><u><i>Appalachian Voices v. Va. State Corp. Comm.</i></u></a> (Va. Sup. Ct., April 2009)	coal-fired power plant challenges	Commerce Clause	challenge to state utility law requiring plants “utilize Virginia coal” as prohibited by Commerce Clause	denied	unknown
<a href="#"><u><i>Appalachian Voices v. Vir. State Air Pollution Control Board</i></u></a> (Richmond Co. Cir. Ct., filed July 2008)	coal-fired power plant challenges	CAA	challenge to state air board’s issuance of permits to power plant on grounds that permits did not adequately address CO2 emissions	n/a	active
<a href="#"><u><i>In re Application of Middletown Coke Co.</i></u></a> (Ohio Sup. Ct. Dec. 2010)	coal-fired power plant challenges	Ohio state law	challenge to proposed cogeneration plant that would convert coal into coke	reversed and remanded	unknown

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Case Name	Categor	Principal Law	Core Object	Decision or Outcome	Current Status
<a href="#"><u><i>Arcadia First v. City of Arcadia</i></u></a> (L.A. Co. Sup. Ct. May 2008)	state NEPAs	CEQA	challenge to city's failure to account for climate change impacts of proposed mall	dismissed	unknown
<a href="#"><u><i>Arizona Public Service Co. v. EPA</i></u></a> (10 <sup>th</sup> Cir. April 2009)	coal-fired power plant challenges	CAA	challenge to federal implementation plan for New Mexico power plant	dismissed	unknown
<a href="#"><u><i>Arkema, Inc. v. EPA</i></u></a> (D.D.C. Aug. 2010)	challenges to federal action	CAA	challenge to rule in EPA's cap-and-trade program for ozone depleting substances	rule vacated	unknown
<a href="#"><u><i>Ash Grove Texas, LP v. City of Dallas</i></u></a> (N.D. Tex., filed Nov. '08)	challenges to state action	Texas state law	challenge to local resolutions that favor purchase of "green" cement	n/a	unknown
<a href="#"><u><i>Assoc. of International Automobile Manufacturers v. Sullivan</i></u></a> (D.R.I. 2006)	challenges to state vehicles standards	CAA	challenge to state's adoption of California state vehicle standards	n/a	settled
<a href="#"><u><i>Assoc. of Irrigated Residents v. CARB</i></u></a> (Cal. Sup. Ct., filed June '08)	state NEPAs	CEQA	challenge to CARB's plan to implement AB 32	n/a	active
<a href="#"><u><i>Assoc. of Irrigated Residents v. CARB</i></u></a> (Cal. Sup. Ct. Jan. 2011)	state NEPAs	CEQA	challenge to CARB's plan to implement AB 32	<a href="#"><u>tentative ruling</u></a> setting aside proposed implementation of AB 32	active
<a href="#"><u><i>Assoc. of Irrigated Residents v. CARB</i></u></a> (Cal. Sup. Ct. March 2011)	state NEPAs	CEQA	challenge to CARB's plan to implement AB 32	<a href="#"><u>final ruling</u></a> setting aside proposed implementation of AB 32	active

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<a href="#"><u><i>Association of Taxicab Operators v. City of Dallas</i></u></a> (N.D. Tex., filed April 2010)	challenges to state vehicle standards	CAA	challenge to Dallas ordinance giving preference to taxis that run on compressed natural gas	n/a	active
<a href="#"><u><i>Association of Taxicab Operators v. City of Dallas</i></u></a> (N.D. Tex. Aug. 2010)	challenges to state vehicle standards	CAA	challenge to Dallas ordinance giving preference to taxis that run on compressed natural gas	preliminary injunction denied	active
<a href="#"><u><i>Audubon v. Department of Transportation</i></u></a> (D. Md. 2007)	NEPA	NEPA	challenge to final EIS for transportation project	granted DOT's motion for SJ	unknown
<a href="#"><u><i>Aurora Comm. Action on Toxics v. Aurora Energy Services LLC</i></u></a> (D. Alaska Jan. 2011)	coal-fired power plant challenges	CWA	challenge to coal loading facility on grounds that it is violating CWA	motion to dismiss denied	active
<a href="#"><u><i>In re Black Mesa Complex</i></u></a> (Dept. of Interior Jan. 2010)	NEPA	NEPA	challenge to permit for coal-mining complex	permit vacated	unknown
<a href="#"><u><i>Blue Skies Alliance v. Texas Comm. on Env. Quality</i></u></a> (Tex. App. Ct. Jan. 2009)	challenges to state vehicle standards	CAA	challenge to state's approval of permit to operate coal-fired plant	upheld state's approval	unknown
<a href="#"><u><i>Border Power Plant Working Group v. U.S. Department of Energy</i></u></a> (S.D. Cal. 2003)	NEPA	NEPA	challenge to DOE's FONSI regarding U.S.-Mexico power line	EA found inadequate	unknown
<a href="#"><u><i>Bravos v. Bureau of Land Management</i></u></a> (D. N.M., filed Jan. 09)	NEPA	NEPA	challenge to BLM's grant of oil and gas leases for failure to address GHGs	n/a	active
<a href="#"><u><i>Building Industry Association of Washington v. Washington State Building Council</i></u></a> (W.D. Wash. Feb. 2011)	challenges to state action	EPCA	challenge to state building code on federal preemption grounds	summary judgment granted for Washington state	unknown

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<a href="#"><u><i>California v. Dept. of Energy</i></u></a> (9 <sup>th</sup> Cir. 2009)	other statutes	Energy Policy Act	sought to force government to adopt stronger energy efficiency standards for energy transformers	oral argument in March 2009	active
<a href="#"><u><i>Cal. Dump Truck Owners Assoc. v. Nichols</i></u></a> (E.D. Cal., filed March 2011)	challenges to state vehicle standards	Supremacy Clause	challenge to CARB's truck and bus regulations as violating the Constitution's supremacy clause	n/a	active
<a href="#"><u><i>California v. EPA</i></u></a> (9 <sup>th</sup> Cir. 2008)	Clean Air Act (CAA)	CAA	challenge to denial of state's request for CAA waiver for vehicles	dismissed in July 2008 as premature	no appeal pending
<a href="#"><u><i>California v. EPA</i></u></a> (N.D. Cal. 2008)	CAA	CAA	challenge to NHTSA's regulations regarding CAFE standards on grounds that they are preempted by CAA	rec. by magistrate that EPA's decision to withhold docs proper	active
<a href="#"><u><i>California v. GM Corp.</i></u></a> (N.D. Cal. 2007)	common law claims	nuisance	sought damages against auto companies for climate change	motion to dismiss granted	appeal vol. dismissed
<a href="#"><u><i>California Business Properties Association v. CARB</i></u></a> (Sac. Co. Sup. Ct., filed May 2009)	other statutes (FOIA)	California Public Records Act	sought documents concerning pending state greenhouse gas emissions fee	n/a	active

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<a href="#"><u><i>Center for Biological Diversity v. Abraham</i></u></a> (N.D. Cal. 2002)	other statutes	Energy Policy Act of 1992	sought to enforce EPA Act provisions on alternative fuel vehicles	standing granted	no appeal pending
<a href="#"><u><i>Center for Biological Diversity v. Brennan</i></u></a> (N.D. Cal. 2007)	other statutes	Global Change Research Act	sought to enforce provisions of Global Change Research Act	standing granted	no appeal pending
<a href="#"><u><i>Center for Biological Diversity v. Cal. Dept. of Forestry</i></u></a> (Tehama Co. Sup. Ct., filed Aug. 2009)	state NEPAs	CEQA	challenge to department's failure to analyze GHG consequences of clear-cutting plan	n/a	active
<a href="#"><u><i>Center for Biological Diversity v. Cal. Dept. of Forestry</i></u></a> (Cal. Sup. Ct., filed Jan. 2010)	state NEPAs	CEQA	challenge to department's failure to analyze GHG consequences of clear-cutting plan	n/a	active
<a href="#"><u><i>Center for Biological Diversity v. Cal. Fish &amp; Game Comm.</i></u></a> (Cal. Sup. Ct., filed Aug. 2008)	other statutes (ESA)	California ESA	challenge to denial by state agency to list pika as "threatened" species under California ESA	n/a	active

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<a href="#"><u><i>Center for Biological Diversity v. Cal. Fish &amp; Game Comm.</i></u></a> (Cal. Sup. Ct., filed Oct. 2009)	other statutes (ESA)	California ESA	challenge to denial by state agency to list pika as “threatened” species under California ESA	n/a	active
<a href="#"><u><i>Center for Biological Diversity v. Cal. Fish &amp; Game Comm.</i></u></a> (Cal. Sup. Ct., Oct. 2010)	other statutes (ESA)	California ESA	challenge to denial by state agency to list pika as “threatened” species under California ESA	<a href="#"><u>order</u></a> requiring state agency to study whether pika needs protection under Cal. ESA b/c of climate change	unknown
<a href="#"><u><i>Center for Biological Diversity v. Cal. Fish &amp; Game Comm.</i></u></a> (Cal. Ct. App. April 2011)	other statutes (ESA)	California ESA	appeal of attorney’s fees to CBD in the amount of \$258,000	fee award reversed	unknown
<a href="#"><u><i>Center for Biological Diversity v. Cal. Public Util. Comm.</i></u></a> (Cal. Supreme Ct., filed Jan. 2009)	state NEPAs	CEQA	challenge to state’s approval of transmission corridor on grounds that it didn’t show how renewable energy might mitigate GHGs	n/a	active
<a href="#"><u><i>Center for Biological Diversity v. City of Banning</i></u></a> (Riverside Co. Sup. Ct., filed 2006)	state NEPAs	CEQA	challenge to city’s approval of development on grounds that it did not consider CO2 emissions	n/a	unknown

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<a href="#"><u><i>Center for Biological Diversity v. City of Desert Hot Springs</i></u></a> (Riverside Co. Sup. Ct. Aug. 2008)	state NEPAs	CEQA	sought to invalidate environmental impact report (EIR) for large development project	invalidated EIR	unknown
<a href="#"><u><i>Center for Bio. Div. v. City of Perris</i></u></a> (Riverside Co. Sup. Ct. March 2008)	state NEPAs	CEQA	challenge to EIR for failure to analyze project's CO2 emissions	dismissed	appeal pending
<a href="#"><u><i>Center for Bio. Diversity v. Co. of San Bernardino</i></u></a> (Cal. Dist. Ct. May 2010)	state NEPAs	CEQA	challenge to approval of open-air human waste composting facility	decertification of EIR affirmed	unknown
<a href="#"><u><i>Center for Biological Diversity v. Dept. of Interior</i></u></a> (D.D.C. Jan. 2009)	other statutes (ESA)	ESA	challenge to failure of government agencies to respond to petition seeking a conserv. plan for species threatened by climate change	n/a	active
<a href="#"><u><i>Center for Biological Diversity v. Dept. of Interior</i></u></a> (D.C. Cir. April 2009)	NEPA	NEPA	challenge to leasing plan for oil and gas development on grounds that climate change impacts were not considered	dismissed on standing grounds	unknown
<a href="#"><u><i>Center for Biological Diversity v. EPA</i></u></a> (D. Wash., filed May 2009)	other statutes (CWA)	CWA	challenge to EPA's failure to recognize impacts of ocean acidification off Washington State coast	n/a	active
<a href="#"><u><i>Center for Biological Diversity v. EPA</i></u></a> (D.C. Cir., filed May 2010)	CAA	CAA	challenge to schedule by which EPA plans to regulate GHGs from stationary sources	n/a	active

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<a href="#"><u><i>Center for Biological Diversity v. EPA</i></u></a> (D.D.C., filed June 2010)	CAA	CAA	lawsuit seeking to force EPA to regulate GHGs from aircraft, ships and non-road engines	n/a	active
<a href="#"><u><i>Center for Biological Diversity v. EPA</i></u></a> (D.D.C. April 2011)	CAA	CAA	lawsuit seeking to force EPA to regulate GHGs from aircraft, ships and non-road engines	motion to intervene denied	active
<a href="#"><u><i>Center for Biological Diversity v. EPA</i></u></a> (D.C. Cir, filed April 2011)	challenges to federal action	CAA	Challenge to proposed rule to exempt biomass from GHG permitting requirements for 3 years	n/a	active
<a href="#"><u><i>Center for Biological Diversity v. FWS</i></u></a> (D. Alaska, filed Dec. 2008)	other statutes (ESA)	ESA	challenge to FWS failure to list Pacific walrus as threatened or endangered under ESA	n/a	unknown
<a href="#"><u><i>Center for Biological Diversity v. Hall</i></u></a> (D.D.C. 2008)	other statutes (ESA)	ESA	sought decision listing 12 penguin species as endangered	case settled	dismissed
<a href="#"><u><i>Center for Biological Diversity v. Kempthorne</i></u></a> (trans. Alaska, 2007)	other statutes (MMPA)	Marine Mammal Protection Act	challenge to FWS rule that authorized "incidental take" of polar bears from oil and gas activities	transferred to Alaska	unknown
<a href="#"><u><i>Center for Biological Diversity v. Kempthorne</i></u></a> (N.D. Cal. 2008)	other statutes (ESA)	ESA	challenge to DOI's listing of polar bears as threatened; partial settlement reached in Oct. 2008 whereby DOI will make critical habitat determination by June 2010	granted motion to intervene; partial settlement reached; denied motion for recon. Oct. '08	active
<a href="#"><u><i>Center for Biological Diversity v. Kempthorne</i></u></a> (N.D. Cal. Nov. 2008)	other statutes (ESA)	ESA	Industry associations sought to intervene in polar bear case	granted motion to intervene in part	active

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<a href="#"><u><i>Center for Biological Diversity v. Kempthorne</i></u></a> (D. Alaska Jan. 2010)	other statutes (MMPA)	Marine Mammal Protection Act	challenge to FWS rule that authorized “incidental take” of polar bears from oil activities	case dismissed by district court	unknown
<a href="#"><u><i>Center for Biological Diversity v. Kempthorne</i></u></a> (9 <sup>th</sup> Cir. Dec. 2009)	other statutes (MMPA)	ESA	challenge to regulations authorizing non-lethal take of polar bears and walrus by oil and gas activities along northern coast of Alaska	regulations upheld	unknown
<a href="#"><u><i>Center for Biological Diversity v. Locke</i></u></a> (N.D. Cal., filed June 2009)	other statutes (ESA)	ESA	challenge to government’s alleged failure to designate critical habitat for endangered turtle species	n/a	active
<a href="#"><u><i>Center for Biological Diversity v. Lubchenco</i></u></a> (N.D. Cal, filed Sept. 2008)	other statutes (ESA)	ESA	challenge to government’s alleged failure to list ribbon seals as endangered	n/a	active
<a href="#"><u><i>Center for Biological Diversity v. Lubchenco</i></u></a> (N.D. Cal. Nov. 2008)	other statutes (ESA)	ESA	challenge to government’s alleged failure to list ribbon seals as endangered	motion to transfer denied	active
<a href="#"><u><i>Center for Biological Diversity v. Lubchenco</i></u></a> (N.D. Cal. Dec. 2010)	other statutes (ESA)	ESA	challenge to government’s alleged failure to list ribbon seals as endangered	government’s motion for SJ granted	active
<a href="#"><u><i>Center for Biological Diversity v. NHTSA</i></u></a> (9 <sup>th</sup> Cir. 2008)	NEPA	NEPA	challenge to rule setting CAFE standards for cars and light trucks	revised opinion; still required EIS	unknown
<a href="#"><u><i>Center for Biological Diversity v. NHTSA</i></u></a> (9 <sup>th</sup> Cir., filed April 2009)	other statutes (EISA)	Energy Ind. and Security Act (EISA)	challenge to NHTSA’s proposed CAFE standards	n/a	active

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<a href="#"><u><i>Center for Biological Diversity v. NHTSA</i></u></a> (9th Cir. 2007)	NEPA	NEPA	challenge to rule setting CAFE standards for cars and light trucks	required EIS	unknown
<a href="#"><u><i>Center for Biological Diversity v. Office of Management and Budget</i></u></a> (N.D. Cal. 2008)	other statutes (FOIA)	FOIA	sought documents and fee waiver concerning rulemaking for CAFE standards for light trucks	granted fee waiver	active
<a href="#"><u><i>Center for Biological Diversity v. Office of Management and Budget</i></u></a> (N.D. Cal. Aug. 2009)	other statutes (FOIA)	FOIA	sought documents and fee waiver concerning rulemaking for CAFE standards for light trucks	recommended disclosure of certain documents	active
<a href="#"><u><i>Center for Biological Diversity v. San Joaquin Valley Air Pollution Control District</i></u></a> (Fresno Co. Sup. Ct., filed Oct. 2008)	state NEPAs	CEQA	challenge to air district's approval of dairy district on the grounds that it did not take into account greenhouse gas emissions	n/a	active
<a href="#"><u><i>Center for Bio. Diversity v. Salazar</i></u></a> (N.D. Cal., filed March 2010)	ESA	ESA	sought to force U.S. government to complete listing process for seven penguin species	n/a	active
<a href="#"><u><i>Center for Biological Diversity v. Town of Yucca Valley</i></u></a> (Cal. Sup. Ct. May 2009)	state NEPAs	CEQA	challenge to environmental analysis of proposed Wal-Mart for failing to consider carbon footprint	petition granted	unknown
<a href="#"><u><i>Center for Biological Diversity v. U.S. Dept. of Interior</i></u></a> (D.C. Cir., filed July 2007)	NEPA	NEPA	challenge to DOI's approval of program under Outer Continental Shelf Lands Act	n/a	unknown
<a href="#"><u><i>Central Valley Chrysler v. Goldstein</i></u></a> (E.D. Cal. Dec. 2007)	challenges to state vehicle standards	CAA	sought to enjoin California from implementing state regulations concerning vehicle standards	injunction granted	active

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<a href="#"><u><i>Central Valley Chrysler v. Goldstein</i></u></a> (E.D. Cal. June 2008)	challenges to state vehicle standards	CAA	sought to modify injunction to invalidate Exec. Order requiring compliance with state regulations	motion denied	active
<a href="#"><u><i>Central Valley Chrysler v. Goldstein</i></u></a> (E.D. Cal. Sept. 2008)	challenges to state vehicle standards	CAA	sought attorneys fees and costs as prevailing party in lawsuit	denied	unknown
<a href="#"><u><i>Chamber of Commerce v. EPA</i></u></a> (D.C. Cir., filed Sept. 2009)	CAA	CAA	challenge to EPA's approval of California waiver	n/a	active
<a href="#"><u><i>Chamber of Commerce v. EPA</i></u></a> (D.C. Cir. April 2011)	CAA	CAA	challenge to EPA's approval of California waiver	challenge <a href="#"><u>denied</u></a>	unknown
<a href="#"><u><i>Chamber of Commerce v. EPA</i></u></a> (D.C. Cir., filed Feb. 2010)	challenges to federal action	CAA	challenge to EPA's endangerment finding concerning greenhouse gases	n/a	active
<a href="#"><u><i>Chamber of Commerce v. EPA</i></u></a> (D.C. Cir., filed June 2010)	challenges to federal action	CAA	challenge to EPA's schedule to regulate GHGs from new and modified stationary sources	n/a	active

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<a href="#"><u><i>Chamber of Commerce v. EPA</i></u></a> (D.C. Cir., Index No. 10-1199, filed July 29, 2010)	challenges to federal action	CAA	challenge to EPA's tailoring rule	n/a	active
<a href="#"><u><i>Chamber of Commerce v. EPA</i></u></a> (D.C. Cir., Index No. 10-1235, filed Aug. 13, 2010)	challenges to federal action	CAA	Challenge to EPA's July 29, 2010 decision denying motions for reconsideration of its GHG endangerment finding	n/a	active
<a href="#"><u><i>Chamber of Commerce v. Servin</i></u></a> (D.D.C., filed Oct. 2009)	climate protestors and scientists	Lanham Act	lawsuit against "Yes Men" for falsely impersonating Chamber	n/a	active
<a href="#"><u><i>Chase Power Dev., LLC v. EPA</i></u></a> (D.C. Cir., filed Feb. 2011)	challenges to federal action	CAA	challenge to two EPA rules to facilitate GHG emissions permitting in seven states	n/a	active

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<a href="#"><u><i>In re Christian Co. Generation, LLC</i></u></a> (EPA Env. Appeals Bd. Jan. 2008)	coal-fired power plant challenges	CAA	sought review of PSD permit issued by state agency to company to construct IGCC power plant	denied because issue raised first time on appeal	unknown
<a href="#"><u><i>Citizen Action Coalition of Indiana v. PSI Energy</i></u></a> (Ind. Ct. App. Oct. 2008)	coal-fired power plant challenges	Indiana state law	challenge to state utility commission's approval of proposed power plant on grounds that commission failed to admit new evidence	upheld approval of project	unknown
<a href="#"><u><i>Citizens for Env. Inquiry v. Mich. Dept. of Env. Quality</i></u></a> (Mich. Cir. Ct., filed Jan. 2008)	coal-fired power plant challenges	CAA	challenge to Michigan DEQ's failure to regulate GHG emissions from coal-fired power plants	n/a	unknown
<a href="#"><u><i>Citizens for Env. Inquiry v. Mich. Dept. of Env. Quality</i></u></a> (Mich. Ct. App. Feb. 2010)	coal-fired power plant challenges	CAA	challenge to Michigan DEQ's failure to regulate GHG emissions from coal-fired power plants	denied	unknown
<a href="#"><u><i>Citizens for Resp. and Ethics in Washington v. Council on Env. Quality</i></u></a> (D.D.C., filed 2007)	other statutes (FOIA)	FOIA	challenge to CEQ's failure to disclose documents related to climate change	n/a	unknown
<a href="#"><u><i>City of Los Angeles v. NHTSA</i></u></a> (D.C. Cir. 1990)	NEPA	NEPA	challenge to decision not to prepare EIS for CAFE standards for model years '87-'89	groups had standing; petition denied	dismissed
<a href="#"><u><i>Clean Air Implementation Project v. EPA</i></u></a> (D.C. Cir., filed May 2010)	challenges to federal action	CAA	challenge to EPA reconsideration of so-called "Johnson memorandum"	n/a	active

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<a href="#"><u><i>CleanCOALition v. TXU Power</i></u></a> (5 <sup>th</sup> Cir. 2008)	coal-fired power plant challenges	CAA	challenge to three planned power plants on the grounds that it should consider IGCC technology and alternative fuels	affirmed dismissal for lack of subject matter jurisdiction	cert. petition denied
<a href="#"><u><i>Climate Solutions v. Cowlitz Co.</i></u></a> (Wash. State Shorelines Hearing Bd., filed Dec. 2010)	state NEPAs	SEPA	challenge to opening of major coal export facility	n/a	active
<a href="#"><u><i>Coalition for Responsible Regulation, Inc. v. EPA</i></u></a> (D. C. Cir., filed Dec. 2009)	challenges to federal action	CAA	challenge to EPA's endangerment finding under the CAA	n/a	active
<a href="#"><u><i>Coalition for Responsible Regulation v. EPA</i></u></a> (D.C. Cir., filed April 2010)	challenges to federal action	CAA	challenge to EPA rule regulating stationary source emissions	n/a	active
<a href="#"><u><i>Coalition for Responsible Regulation v. EPA</i></u></a> (D.C. Cir., filed May 2010)	challenges to federal action	CAA	challenge to EPA rule setting GHG emissions limits on cars and light trucks	n/a	active
<a href="#"><u><i>Coalition for Responsible Regulation v. EPA</i></u></a> (D.C. Cir., filed June 2010)	challenges to federal action	CAA	challenge to EPA's tailoring rule with respect to GHG emission limits	n/a	active
<a href="#"><u><i>Coalition for Responsible Regulation, Inc. v. EPA</i></u></a> (D.C. Cir., June 2010)	challenges to federal action	CAA	in challenge to EPA's endangerment finding, court held 17 consolidated appeals in abeyance pending reconsideration of finding	n/a	active

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<a href="#"><u><i>Coke Oven Environmental Task Force v. EPA</i></u></a> (D.C. Cir. 2006)	CAA	CAA	challenge to EPA's decision not to establish NSPS for stationary sources of air pollution	held in abeyance pending <i>Mass v. EPA</i>	pending
<a href="#"><u><i>Comer v. Murphy Oil USA, Inc.</i></u></a> (S.D. Miss., filed 2006)	common law claims	nuisance	sought damages related to damages from Hurricane Katrina	motion to dismiss granted	see below
<a href="#"><u><i>Comer v. Murphy Oil USA, Inc.</i></u></a> (5 <sup>th</sup> Cir. Oct. 2009)	common law claims	nuisance	sought damages related to damages from Hurricane Katrina	dismissal reversed	active
<a href="#"><u><i>Comer v. Murphy Oil USA, Inc.</i></u></a> (5 <sup>th</sup> Cir. May 2010)	common law claims	nuisance	sought damages related to damages from Hurricane Katrina	dismissal reinstated	unknown
<a href="#"><u><i>Comer v. Murphy Oil USA, Inc.</i></u></a> (U.S. Sup. Ct. Jan. 10, 2011)	common law claims	nuisance	sought damages related to damages from Hurricane Katrina	writ of mandamus denied	inactive
<a href="#"><u><i>Commonwealth of Kentucky v. Sierra Club</i></u></a> (Ken. Ct. App. 2008)	coal-fired power plant challenges	Kentucky state law	sought to revoke permit for power plant	overturned decision revoking permit	unknown
<a href="#"><u><i>Comm. for a Better Env. v. City of Richmond</i></u></a> (Cal. Sup. Ct., filed Sept. 2008)	state NEPAs	CEQA	challenge to city's decision to expand local oil refinery	n/a	active
<a href="#"><u><i>Comm. for a Better Env. v. City of Richmond</i></u></a> (Cal. Sup. Ct. June 2009)	state NEPAs	CEQA	challenge to city's expansion of oil refinery	rejected env. impact report	active
<a href="#"><u><i>Comm. for a Better Env. v. City of Richmond</i></u></a> (Cal. Ct. App. April 2010)	state NEPAs	CEQA	challenge to city's expansion of oil refinery	upheld rejection of EIR	unknown

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<a href="#"><u><i>Competitive Enterprise Institute v. NASA</i></u></a> (D. D.C., filed May 2010)	climate change protestors and scientists	FOIA	lawsuit seeking documents related to “climategate” controversy	n/a	active
<a href="#"><u><i>Competitive Enterprise Institute v. EPA</i></u></a> (D.C. Cir., filed Feb. 2010)	challenges to federal action	CAA	challenge to EPA’s endangerment finding concerning GHGs	n/a	active
<a href="#"><u><i>Competitive Enterprise Institute v. EPA</i></u></a> (D.C. Cir., filed June 29, 2010)	challenges to federal action	CAA	challenge to EPA’s emissions rule for cars and light trucks	n/a	active
<a href="#"><u><i>Connecticut v. American Electric Power</i></u></a> (S.D.N.Y. 2005)	common law claims	nuisance	sought imposition of caps and reduction of GHG emissions from power companies	motion to dismiss granted	active
<a href="#"><u><i>Connecticut v. American Electric Power</i></u></a> (2d Cir. 2009)	common law claims	nuisance	sought imposition of caps and reduction of GHG emissions from power companies	dismissal reversed	cert granted Dec. 2010
<a href="#"><u><i>In re ConocoPhillips</i></u></a> (EPA Env. App. Bd. June 2008)	coal-fired power plant challenges	CAA	challenge to PSD permit issued by agency to expand refinery	denied	unknown
<a href="#"><u><i>Conservation Northwest v. Rey</i></u></a> (W.D. Wash. Dec. 2009)	NEPA	NEPA	challenge to Forest Service’s adoption of EIS concerning forest management plan	summary judgment motion partially granted	unknown
<a href="#"><u><i>Coupal v. Bowen</i></u></a> (Cal. Sup. Ct., filed July 27, 2010)	climate protests	state law	challenge to working of ballot initiative concerning suspending implementation of AB 32	Court ordered rewording of initiative	unknown
<a href="#"><u><i>Dean v. Kansas Dept. of Health and Env.</i></u></a> (filed May 2007)	coal-fired power plant challenges	Kansas state law	challenge to agency’s decision to deny permit to plant	n/a	unknown

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<a href="#"><u><i>Defenders of Wildlife v. Jackson</i></u></a> (D.D.C., filed Nov. 2010)	other statutes	CWA	challenge to rules regarding wastewater limits for coal-fired power plants	n/a	active
<a href="#"><u><i>In re Deseret Power Electric Cooperative</i></u></a> (EPA Env. App. Bd., filed Oct. '07)	coal-fired power plant challenges	CAA	challenge to permit on grounds that it failed to require BACT to restrict CO2 emissions	n/a	see below
<a href="#"><u><i>In re Deseret Power Electric Cooperative</i></u></a> (EPA Env. Appeals Bd., Nov. '08)	coal-fired power plant challenges	CAA	board ruled that EPA must reconsider its refusal to impose limits on CO2 emissions at existing Utah power plant	remanded	n/a
<a href="#"><u><i>Desert Rock Energy Co. and Dine Power Auth. v. EPA</i></u></a> (S.D. Tex., filed 2008)	coal-fired power plant challenges	CAA	sought to compel EPA to issue permit to power company to construct facility on Navajo land	n/a; lawsuit may be moot b/c EPA issued permit	unknown
<a href="#"><u><i>In re Desert Rock Energy Co. LLC</i></u></a> (EPA Env. Appeals Bd., filed Aug. 2008)	coal-fired power plant challenges	CAA	challenge to air permit issued by EPA for 1,500 MW power plant on Navajo reservation land	n/a	active
<a href="#"><u><i>In re Desert Rock Energy Co. LLC</i></u></a> (EPA Env. Appeals Bd., filed Oct. 2008)	coal-fired power plant challenges	CAA	petition filed by New Mexico challenging EPA's granting of air permit for proposed plant as legally and technically flawed	n/a	active
<a href="#"><u><i>In re Desert Rock Energy Co. LLC</i></u></a> (EPA Env. Appeals Bd. Jan. 2009)	coal-fired power plant challenges	CAA	order agreeing to review approval of permit and severing issues of CO2 emissions	n/a	active
<a href="#"><u><i>In re Desert Rock Energy Co. LLC</i></u></a> (EPA Env. Appeals Bd. April 2009)	coal-fired power plant challenges	CAA	motion by EPA to voluntarily remand permit	n/a	active

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<a href="#"><u><i>In re Desert Rock Energy Co. LLC</i></u></a> (EPA Env. Appeals Bd. Sept. 2009)	coal-fired power plant challenges	CAA	board remanded permit to EPA for consideration of gasification technology as less-polluting alternative	n/a	active
<a href="#"><u><i>El Charro Vista v. City of Livermore</i></u></a> (Alameda Co. Sup. Ct. July 2008)	state NEPAs	CEQA	challenge to EIR for development project on grounds that it did not consider climate change impacts	denied on jurisdiction grounds	unknown
<a href="#"><u><i>In re Energy Northwest</i></u></a> (Wash. Energy Fac. Site Eval. Council Nov. 2007)	coal-fired power plant challenges	Washington state law	application for a permit for a new coal-fired power plant; argued that plan for carbon sequestration was impracticable	application denied	unknown
<a href="#"><u><i>Energy Recovery Council v. EPA</i></u></a> (D.C. Cir., filed Dec. 2009)	challenges to government action	CAA	challenge to EPA's reporting requirements for certain emitters of GHGs	<a href="#"><u>settled July 2010</u></a>	<a href="#"><u>settled</u></a>
<a href="#"><u><i>Env. Council of Sacramento v. Cal. Dept. of Transportation</i></u></a> (Sac. Co. Sup. Ct. July 2008)	state NEPAs	CEQA	challenge to approval of EIR for 13-mile HOV lane that found no climate change impacts	EIR found inadequate	unknown
<a href="#"><u><i>Env. Defense Fund v. S.C. Bd. of Health &amp; Env. Control</i></u></a> (S.C. Adm. Law Ct., filed April '09)	coal-fired power plant challenges	CAA	challenge to air pollution permit on grounds that it violates the CAA	n/a	active
<a href="#"><u><i>Env. Integrity Project v. Lower Col. River Auth.</i></u></a> (S.D. Tex., filed March 2011)	coal-fired power plant challenges	CAA	challenge to power plant for emitting excessive levels of particulate matter	n/a	active
<a href="#"><u><i>Erickson v. Gregoire</i></u></a> (Wash. Sup. Ct., filed July 2010)	challenges to state action	state law	challenge to executive order concerning GHG emissions	n/a	active

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<a href="#"><u><i>Erickson v. Gregoire</i></u></a> (Wash. Sup. Ct. Oct. 2010)	challenges to state action	state law	challenge to executive order concerning GHG emissions	motion to dismiss granted	unknown
<a href="#"><u><i>Fall-Line Alliance for a Clean Env. v. Barnes</i></u></a> (Ga. Office of State Adm. Hearings Dec. 2010)	coal-fired power plant challenges	CAA	challenge to state air quality permit for proposed coal-fired power plant	permit rejected	unknown
<a href="#"><u><i>Fertilizer Institute v. EPA</i></u></a> (D.C. Cir., filed Dec. 2009)	CAA	CAA	challenge to EPA's reporting requirements for certain emitters of GHGs	<a href="#"><u>settled July 2010</u></a>	<a href="#"><u>settled</u></a>
<a href="#"><u><i>In re Florida Power &amp; Light</i></u></a> (Fl. Public Service Comm. June 2007)	coal-fired power plant challenges	Florida state law	power company sought permit to build two coal-fired power plants	application denied	unknown
<a href="#"><u><i>Foundation on Economic Trends v. Watkins</i></u></a> (D.D.C. 1992)	NEPA	NEPA	challenged actions approved by gov. agencies that did not take into account effects on climate change	dismissed for lack of standing	no appeal pending
<a href="#"><u><i>Friends of the Chattahoochee, Inc. v. Georgia Dept. of Nat. Resources</i></u></a> (Jan. 2008)	coal-fired power plant challenges	Georgia Air Quality Act and CAA	challenge to permit that allowed company to operate 1,200 MW coal-fired power plant	permit upheld	unknown
<a href="#"><u><i>Friends of the Chattahoochee, Inc. v. Georgia Dept. of Nat. Resources</i></u></a> (June 2008)	coal-fired power plant challenges	Georgia Air Quality Act and CAA	sought review of decision upholding permit for 1,200 MW coal-fired power plant	reversed and remanded	unknown
<a href="#"><u><i>Friends of the Chattahoochee v. Ga. Dept. of Nat. Res.</i></u></a> (Ga. Office Adm. Hearings, filed May 2010)	coal-fired power plant challenges	CAA	challenge to construction of two coal-fired power plants in Georgia	n/a	active

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<a href="#"><u><i>Friends of the Chattahoochee v. Ga. Dept. of Nat. Res.</i></u></a> (Ga. Office Adm. Hearings April 2011)	coal-fired power plant challenges	CAA	challenge to construction of two coal-fired power plants in Georgia	permit remanded	unknown
<a href="#"><u><i>Friends of the Chattahoochee v. Longleaf Ene. Assoc.</i></u></a> (Ga. Sup. Ct. Sept. 2009)	coal-fired power plant challenges	CAA	appeal of appeal court's decision reversing lower court which vacated permit for not considering CO2	appeal denied	unknown
<a href="#"><u><i>Friends of the Earth v. EPA</i></u></a> (D.C. Cir., filed May 2010)	other Statutes (EISA)	EISA	challenge to renewable fuels standard	n/a	active
<a href="#"><u><i>Friends of the Earth v. Mosbacher</i></u></a> (N.D. Cal. 2007)	NEPA	NEPA	challenge to government agency's financial support for int'l fossil fuel projects; sought prep. of EA or EIS	defendant's motion for SJ granted	<a href="#"><u>settled</u></a> (Feb. 2009)
<a href="#"><u><i>Friends of the Earth v. Watson</i></u></a> (N.D. Cal. 2005)	NEPA	NEPA	challenge to government agency's financial support for int'l fossil fuel projects; sought prep. of EA or EIS	standing granted; SJ motion denied	unknown
<a href="#"><u><i>Gas Processors Ass'n v. EPA</i></u></a> (D.C. Cir., filed Jan. 2011)	challenges to federal action	CAA	challenge to EPA rule requiring oil and natural gas companies to report GHG emissions	n/a	active
<a href="#"><u><i>Georgia Coalition for Sound Env. Policy v. EPA</i></u></a> (D.D.C., filed Aug. 2010)	challenges to federal action	CAA	challenge to EPA's tailoring rule. Consolidated 19 other challenges under case.	n/a	active
<a href="#"><u><i>GerdauAmeristeel v. EPA</i></u></a> (D.C. Cir., filed Feb. 2010)	challenges to federal action	CAA	challenge to EPA's endangerment finding concerning greenhouse gases	n/a	active
<a href="#"><u><i>GerdauAmeristeel v. EPA</i></u></a> (D.C. Cir., filed May 2010)	challenges to federal action	CAA	challenge to EPA's rule covering GHG emissions from new and modified stationary sources	n/a	active

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<a href="#"><u><i>GerdauAmeristeel v. EPA</i></u></a> (D.C. Cir., filed June 29, 2010)	challenges to federal action	CAA	challenge to EPA's tailoring rule	n/a	active
<a href="#"><u><i>GM Corp. v. California Air Resources Board</i></u></a> (Cal. Sup. Ct. 2005)	common law claims	nuisance	sought damages from automobile manufacturers for creating and contributing to climate change	motion to dismiss granted	appeal pending
<a href="#"><u><i>Greater Yellowstone Coalition v. Servheen</i></u></a> (D. Mont. Sept. 2009)	ESA	ESA	sought threatened-status protection for grizzly bears in Yellowstone	protection granted	unknown
<a href="#"><u><i>Green Mountain Chrysler v. Crombie</i></u></a> (D. Vt. 2007)	challenges to state vehicle standards	CAA; fed. fuel economy standards	sought injunction from Vermont vehicle standards modeled on California vehicle standards on preemption grounds	verdict for defendants	settled
<a href="#"><u><i>Green Mountain Chrysler v. Torti</i></u></a> (D. Vt., filed 2005)	challenges to state vehicle standards	CAA	challenge to Vermont's adoption of California's GHG regulations for automobiles	n/a	settled
<a href="#"><u><i>Groce v. Pa. Dept of Env. Protection</i></u></a> (Pa. Comm. Ct. April 2007)	coal-fired power plant challenges	CAA	challenge to decision of Pa. Env. Hearings Board upholding approval of plan to build electric power plant	decision upheld	unknown
<a href="#"><u><i>Grocery Manufacturers Assoc. v. EPA</i></u></a> (D.C. Cir., filed Nov. 2010)	challenges to federal action	CAA	challenge to EPA's decision to allow more ethanol in fuel for 2007 and newer cars and light trucks	n/a	active
<a href="#"><u><i>Grocery Manufacturers Assoc. v. EPA</i></u></a> (D.C. Cir., filed March 2011)	challenges to federal action	CAA	challenge EPA's decision to allow more ethanol in fuel for 2001-06 cars and light trucks	n/a	active

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<a href="#"><u><i>Hanosh v. King</i></u></a> (N.M. Sept. 2009)	challenges to state vehicle standards	state law	challenge to state environmental board's authority to implement emission laws for cars sold in state	case allowed to proceed in fed. court	active
<a href="#"><u><i>Hapner v. Tidwell</i></u></a> (D. Montana, Oct. 2008)	NEPA	NEPA	challenge to proposed USFS plan to remove timber on grounds that EA did not look at proposed effects of climate change	denied; summary judgment granted	unknown
<a href="#"><u><i>Hapner v. Tidwell</i></u></a> (9 <sup>th</sup> Cir. Sept. 2010)	NEPA	NEPA	challenge to proposed USFS plan to remove timber on grounds that EA did not look at proposed effects of climate change	summary judgment affirmed	unknown
<a href="#"><u><i>Health First v. March Joint Powers Auth.</i></u></a> (Ca. App. Ct. June 2009)	state NEPAs	CEQA	challenge to design permit approval for warehouse facility by state authority for failing to mitigate GHG emissions	denied; approval was ministerial act	unknown
<a href="#"><u><i>Hempstead Co. Hunting Club, Inc. v. Ark. PSC</i></u></a> (Ark. Ct. App. June 2009)	coal-fired power plant challenges	state law	challenge to permit for coal-fired power plant on grounds that applicant did not consider other locations	permit approved	unknown
<a href="#"><u><i>Hempstead Co. Hunting Club, Inc. v. Ark. PSC</i></u></a> (Ark. May 2010)	coal-fired power plant challenges	state law	challenge to permit for coal-fired power plant on grounds that applicant did not consider other locations	reversed and remanded to PSC	unknown
<a href="#"><u><i>Hempstead Co. Hunting Club v. Southwestern Elect. Power Co.</i></u></a> (8 <sup>th</sup> Cir. Dec. 2010)	challenges to coal-fired power plants	CAA	challenge to construction of coal-fired power plant in Arkansas	injunction upheld	unknown

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<a href="#"><u><i>Highland Springs v. City of Banning</i></u></a> (Riverside Co. Sup. Ct. Jan. 2008)	state NEPAs	CEQA	challenge to decision by city to approve proposed housing project for inadequate analysis of climate change impacts in EIR	EIR invalidated	unknown
<a href="#"><u><i>Holland v. Mich. Dept. of Nat. Resources and Env.</i></u></a> (Mich. Co. Cir. Ct. Dec. 2010)	coal-fired power plant challenges	state law	sought to overturn state agency denial of application to expand coal-fired power plant	denial reversed	active
<a href="#"><u><i>Humane Society v. Jackson</i></u></a> (EPA, filed Sept. 2009)	CAA	CAA	petition to EPA to limit GHG emissions from CAFOs	n/a	active
<a href="#"><u><i>Indeck Corinth v. Paterson</i></u></a> (N.Y. Sup. Ct., filed Jan. 2009)	challenges to state action	14 <sup>th</sup> Amendment	challenge to state regulations that implement Regional Greenhouse Gas Initiative	n/a	active
<a href="#"><u><i>Indeck Corinth v. Paterson</i></u></a> (N.Y. Sup. Ct., settled Dec. 2009)	challenges to state action	14 <sup>th</sup> Amendment	challenge to state regulations that implement Regional Greenhouse Gas Initiative	settlement reached	not active

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<a href="#"><u><i>International Finance Corp. v. Korat</i></u></a> (S.D.N.Y. 2007)	regulate private conduct	contract law	breach of contract action concerning agreement on sale of carbon credits to be purchased by the Netherlands	n/a	unknown
<a href="#"><u><i>Interstate Natural Gas Ass'n of America v. EPA</i></u></a> (D.C. Cir., filed Jan. 2011)	challenges to federal action	CAA	challenge to EPA rule requiring oil and natural gas companies to report GHG emissions	n/a	active
<a href="#"><u><i>Izaak Walton League of America v. Kimbell</i></u></a> (D. Minn. 2007)	NEPA	NEPA	challenge to decision by Forest Service to build snowmobile trail along a road adjacent to Boundary Waters wilderness area	partial SJ in favor of plaintiffs granted; EIS required	unknown
<a href="#"><u><i>Jones v. Regents of the Univ. of Cal.</i></u></a> (Cal. Sup. Ct. March 2010)	state NEPAs	CEQA	challenge to env. impact report regarding proposed laboratory for failing to account for GHGs	dismissed on appeal	unknown
<a href="#"><u><i>Judicial Watch v. Dept. of Energy</i></u></a> (D. D.C., filed Feb. 2010)	other statutes/FOIA	FOIA	request for documents related to White House "climate czar" Carol Browner's role in U.S. climate policy	n/a	active

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<a href="#"><u><i>In re Kentucky Mountain Power</i></u></a> (Ken. Ene. & Env. Cabinet Nov. 2008)	coal-fired power plant challenges	CAA	sought to build 600 MW plant; PSD permit had expired and company failed to respond to state's notice of deficiencies in its application to renew its Title V permit	application expired	unknown
<a href="#"><u><i>Koch Industries, Inc. v. John Does 1-25</i></u></a> (D. Utah, filed Dec. 2010)	climate protestors and scientists	trademark infringement	company filed suit against unanimous bloggers for posting fake press release concerning climate change	n/a	active
<a href="#"><u><i>Koch Industries, Inc. v. John Does 1-25</i></u></a> (D. Utah May 2011)	climate protestors and scientists	trademark infringement	company filed suit against unanimous bloggers for posting fake press release concerning climate change	case dismissed	unknown
<a href="#"><u><i>Korsinsky v. EPA</i></u></a> (S.D.N.Y. 2005) (dismissed) Aff'd (2d Cir. 2006)	common law claims	nuisance	sought to hold agencies liable for climate change	dismissed for lack of standing	no appeal pending
<a href="#"><u><i>Laidlaw Energy v. Town of Ellicottville</i></u></a> (N.Y. App. Div. Feb. 2009)	state NEPAs	SEQRA	challenge to denial of site plan approval for woody biomass plant grounds it was not carbon neutral	denial upheld	unknown
<a href="#"><u><i>Leavell v. New Mexico Env. Improvement Bd.</i></u></a> (D. N.M., filed Jan. 2010)	challenges to state action	state law	challenge to state cap on GHG emissions	n/a	active
<a href="#"><u><i>Leavell v. New Mexico Env. Improvement Bd.</i></u></a> (D. N.M. April 2010)	challenges to state action	state law	challenge to state cap on GHG emissions	preliminary injunction granted	active
<a href="#"><u><i>Leavell v. New Mexico Env. Improvement Bd.</i></u></a> (N.M. Sup. Ct. Nov. 2010)	challenges to state action	state law	challenge to state cap on GHG emissions	reversed and remanded	unknown

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<a href="#"><u><i>Leavell v. New Mexico Env. Improvement Bd.</i></u></a> (N.M. Sup. Ct. Jan. 2011)	challenges to state action	state law	challenge to state cap on GHG emissions	State Sup. Ct. issued writ of mandamus to carry out rules	unknown
<a href="#"><u><i>Lincoln Dodge, Inc. v. Sullivan</i></u></a> , (D. R.I. 2007)	challenges to state vehicle standards	EPCA, CAA	sought to enjoin Rhode Island from implementing state vehicle standards based on Cal. standards	motion to dismiss denied	settled
<a href="#"><u><i>Lincoln Dodge, Inc. v. Sullivan</i></u></a> (D. R.I. Nov. 2008)	challenges to state vehicle standards	EPCA, CAA	sought to declare state standards invalid on preemption grounds under EPCA and CAA;	motion granted for manufacturers	settled
<a href="#"><u><i>Linder v. EPA</i></u></a> (D.C. Cir., filed Feb. 2010)	challenges to federal action	CAA	challenge to EPA's finding that GHG emissions endanger public health and welfare	n/a	active
<a href="#"><u><i>Longleaf Energy v. Friends of the Chattahoochee</i></u></a> (Ga. Ct. App., filed Aug. 2008)	coal-fired power plant challenges	Georgia state law	challenge to construction of coal-fired power plant on Chattahoochee River	permit invalidated	appeal pending
<a href="#"><u><i>Longleaf Energy v. Friends of the Chattahoochee</i></u></a> (Ga. Ct. App. July 2009)	coal-fired power plant challenges	Georgia state law	challenge to construction of coal-fired power plant on Chattahoochee River	reversed lower court; no requirement under CAA to include CO2	unknown
<a href="#"><u><i>Massachusetts v. EPA</i></u></a> 127 S. Ct. 1438 (2007)	CAA	CAA	challenge to decision by EPA not to regulate GHGs from mobile sources under CAA	standing granted; EPA required to decide whether to regulate GHGs under CAA	no further appeals pending

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<a href="#"><u><i>Massachusetts v. EPA</i></u></a> (D.C. Cir. June 2008)	CAA	CAA	sought to enforce Supreme Court's mandate on EPA to decide whether GHGs should be regulated under CAA	petition denied	unknown
<a href="#"><u><i>Massachusetts v. Whitman</i></u></a> (D. Conn., filed June 2003)	CAA	CAA	challenge to EPA's failure to list carbon dioxide as a pollutant under CAA	n/a	voluntarily dismissed
<a href="#"><u><i>Mayo Found. v. Surface Transportation Board</i></u></a> (8th Cir. 2006)	NEPA	NEPA	challenge to STB's approval of 280 new miles of rail lines to reach coal mines and upgrade of 600 miles of existing lines	petition denied; EIS found to be adequate	no appeal pending
<a href="#"><u><i>Metropolitan Taxicab Board of Trade v. New York City</i></u></a> (S.D.N.Y., filed Sept. 2008)	challenges to state action	EPCA and CAA	challenge to NYC law to increase fuel efficiency standards for taxi fleet on preemption grounds	n/a	active
<a href="#"><u><i>Metropolitan Taxicab Board of Trade v. New York City</i></u></a> (S.D.N.Y. June 2009)	challenges to state action	EPCA and CAA	challenge to NYC law to increase fuel efficiency standards by using lease cap rules for taxis	preliminary injunction granted	active
<a href="#"><u><i>Metropolitan Taxicab Board of Trade v. New York City</i></u></a> (2d Cir. July 2010)	challenges to state action	EPCA and CAA	challenge to NYC law to increase fuel efficiency standards by using lease cap rules for taxis	preliminary injunction upheld	petition for cert. filed Nov. 2010
<a href="#"><u><i>In re MGP Ingredients of Illinois, Inc.</i></u></a> (EPA Env. App. Bd., filed July 2009)	coal-fired power plant challenges	CAA	challenge to PSD permit on grounds that it lacks a limit for carbon dioxide	n/a	active

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<a href="#"><u><i>Mid States Coalition for Progress v. Surface Trans. Bd.</i></u></a> (8th Cir. 2003)	NEPA	NEPA	challenge to STB's approval of 280 miles of rail lines to reach coal mines and upgrade of 600 miles of existing line	remanded decision; EIS found to be inadequate	no appeal pending
<a href="#"><u><i>Minn. Center for Environmental Advocacy v. Holsten</i></u></a> (Dist. Ct. Itasca Co., filed 2007)	state NEPAs	Minn. Env. Policy Act	challenge to EIS prepared in conjunction with construction of ore mining facility	n/a	see below
<a href="#"><u><i>Minn. Center for Environmental Advocacy v. Holsten</i></u></a> (Dist. Ct. Itasca Co. Oct. 2008)	state NEPAs	Minn. Env. Policy Act	challenge to EIS prepared in conjunction with construction of ore mining facility	EIS valid	see below
<a href="#"><u><i>Minn. Center for Environmental Advocacy v. Holsten</i></u></a> (Minn. Ct. App. Sept. 2009)	state NEPAs	Minn. Env. Policy Act	challenge to EIS prepared in conjunction with construction of ore mining facility	EIS upheld	unknown
<a href="#"><u><i>Minn. Center for Env. Advocacy v. Minn. Pub. Util. Comm.</i></u></a> (Dec. 2010)	state NEPAs	Minn. Env. Policy Act	challenge to EIS prepared in conjunction with 313-mile petroleum pipeline	EIS upheld	unknown
<a href="#"><u><i>Mirant Mid-Atlantic LLC v. Montgomery Co.</i></u></a> (D. Md., filed June 2010)	challenges to state action	14 <sup>th</sup> Amendment	challenge to state law taxing local CO2 emitters	n/a	see below
<a href="#"><u><i>Mirant Mid-Atlantic LLC v. Montgomery Co.</i></u></a> (D. Md. July 12, 2010)	challenges to state action	14 <sup>th</sup> Amendment	challenge to state law taxing local CO2 emitters	motion to dismiss granted	unknown
<a href="#"><u><i>Mirant Potomac River LLC v. EPA</i></u></a> (4 <sup>th</sup> Cir. Aug. 2009)	coal-fired power plant challenges	CAA	challenge to EPA's denial to allow power plant to use emissions trading to meet CAIR obligations	denial upheld	unknown

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<a href="#"><u><i>Montana Env. Info. Center v. BLM</i></u></a> (D. Montana, filed Dec. 2008)	NEPA	NEPA	action seeking to force BLM to consider climate impacts of oil and gas leasing decisions	n/a	settled March 2010
<a href="#"><u><i>Montana Env. Info. Center v. BLM</i></u></a> (D. Montana, filed Feb. 201)	NEPA	NEPA	action seeking to force BLM to control release of methane from oil and gas leases on public land	n/a	active
<a href="#"><u><i>Montana Env. Info. Center v. Johanns</i></u></a> (D. D.C., filed 2007)	coal-fired power plant challenges	NEPA	challenge to Rural Utilities Service's funding of large scale new coal-fired power plants	n/a	unknown
<a href="#"><u><i>Montana Env. Info. Center v. Mont. Bd. of Land Comm.</i></u></a> (D. Montana, filed May 2010)	state NEPAs	Montana Env. Policy Act	challenge to state lease of 8,300 acres for coal strip mine	n/a	active
<a href="#"><u><i>Montana Env. Info. Center v. Mont. Bd. of Land Comm.</i></u></a> (D. Montana Jan. 2011)	state NEPAs	Montana Env. Policy Act	challenge to state lease of 8,300 acres for coal strip mine	motion to dismiss denied	unknown
<a href="#"><u><i>Montana Env. Info. Center v. Montana Dept. of Energy</i></u></a> (Montana Bd. of Env. Rev. Jan. 2008)	coal-fired power plant challenges	CAA and Montana state law	challenge to construction of 250 MW coal-fired power plant	ordered DOE to consider ways to limit PM2.5 emissions	unknown
<a href="#"><u><i>Montana Env. Info. Center v. Mont. Dept. of Env. Quality</i></u></a> (Mt. Dist. Ct., filed June 2008)	coal-fired power plant challenges	federal and state CAA	challenge to permit issued by Montana DEQ to proposed power plant on grounds that it did not include analysis of BACT for CO2	n/a	unknown

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<a href="#"><u><i>Montana Env. Info. Center v. Montana Dept. of Env. Quality &amp; Bull Mount. Dev.</i></u></a> (filed June '07)	project challenges	Montana state law	challenge to decision by Montana DEQ to issue permit for development project	n/a	unknown
<a href="#"><u><i>Musicraft, Inc. v. City of Ann Arbor</i></u></a> (Mich. Cir. Ct., filed August 2009)	state NEPAs	Michigan Env. Protection Act	challenge to city parking structure on grounds that it would increase GHG emissions	settled	not active
<a href="#"><u><i>National Association of Manufacturers v. EPA</i></u></a> (D.C. Cir., filed Feb. 2010)	challenges to federal action	CAA	challenge to EPA's endangerment finding concerning GHGs	n/a	active
<a href="#"><u><i>National Association of Manufacturers v. EPA</i></u></a> (D.C. Cir., filed May 2010)	challenges to federal action	CAA	challenge to EPA's schedule to regulate GHGs from new and modified stationary sources	n/a	active
<a href="#"><u><i>National Association of Manufacturers v. EPA</i></u></a> (EPA, filed July 2010)	challenges to federal action	CAA	challenge to EPA's tailoring rule	n/a	active

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<a href="#"><u><i>National Audubon Society v. Kempthorne</i></u></a> (D. Alaska 2006)	NEPA	NEPA	challenge to BLM's EIS that opened land to oil and gas development	EIS upheld	unknown
<a href="#"><u><i>National Chicken Council v. EPA</i></u></a> (D.C. Cir., filed May 2010)	challenges to federal action	EISA	challenge to renewable fuels standard	n/a	active
<a href="#"><u><i>National Mining Association v. EPA</i></u></a> (D.C. Cir., filed Feb. 2010)	challenges to federal action	CAA	challenge to EPA's endangerment finding concerning GHGs	n/a	active
<a href="#"><u><i>National Petrochemical &amp; Refiners Association v. EPA</i></u></a> (D.C. Cir., filed March 2010)	challenges to federal action	EISA	challenge to final rule requiring motor fuel producers to include certain percentage of renewable fuels in their products	n/a	active
<a href="#"><u><i>National Petrochemical &amp; Refiners Association v. EPA</i></u></a> (D.C. Cir. Dec. 2010)	challenges to federal action	EISA	challenge to final rule requiring motor fuel producers to include certain percentage of renewable fuels in their products	petition dismissed	unknown
<a href="#"><u><i>National Petrochemical &amp; Refiners Association v. EPA</i></u></a> (D.C. Cir. April 2011)	challenges to federal action	EISA	challenge to final rule requiring motor fuel producers to include certain percentage of renewable fuels in their products	motion for rehearing en banc <a href="#"><u>denied</u></a>	unknown

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<a href="#"><u><i>National Petrochemical &amp; Refiners Association v. EPA</i></u></a> (D.C. Cir., filed Jan. 2011)	challenges to federal action	CAA	challenge to final rule to allow use of gasoline with up to 15% ethanol in vehicles from 2007 or later	n/a	active
<a href="#"><u><i>National Petrochemical &amp; Refiners Association v. Goldstene</i></u></a> (E.D. Cal., filed Feb. 2010)	challenges to state action	Commerce Clause	challenge to California's low-carbon fuel standard on the grounds that it violates the Commerce Clause	n/a	active
<a href="#"><u><i>National Petrochemical &amp; Refiners Association v. Goldstene</i></u></a> (E.D. Cal. June 2010)	challenges to state action	Commerce Clause	court denied California's motion to dismiss under Clean Air Act	motion denied	active
<a href="#"><u><i>National Wildlife Federation v. EPA</i></u></a> (D.C. Cir., filed April 2011)	other statutes/ EISA	EISA	challenge to denial of petition to set criteria for renewable fuels	n/a	active
<a href="#"><u><i>Native Village of Kivalina v. ExxonMobil Corp.</i></u></a> (N.D. Cal., filed Feb. 2008)	common law claims	nuisance	sought damages for climate change on Alaskan village from oil companies	n/a	see below
<a href="#"><u><i>Native Village of Kivalina v. ExxonMobil Corp.</i></u></a> (N.D. Cal. 2009)	common law claims	nuisance	sought damages for climate change on Alaskan village from oil companies	case dismissed	unknown
<a href="#"><u><i>New Energy Economy, Inc. v. Leavell</i></u></a> (N.M. June 2010)	challenges to state action	state law	challenge to state regulatory panel's authority to regulate GHGs	vacated preliminary injunction	unknown
<a href="#"><u><i>New York v. EPA</i></u></a> (D.C. Cir., filed 2006)	Clean Air Act	CAA	challenge to EPA's decision declining to regulate GHG emissions from power plants and steam generating units	n/a	<a href="#"><u>settled</u></a> Dec. 2010

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<a href="#"><u><b>New York v. EPA</b></u></a> (D.C. Cir., filed Aug. 2008)	Clean Air Act	CAA	challenge to EPA's decision not to add GHGs to new source performance standards for petroleum refineries	n/a	active
<a href="#"><u><b>North Carolina v. TVA</b></u></a> (W.D.N.C. Jan. 2009)	coal-fired power plant challenges	nuisance	state alleged that company's power plants in other states constituted a nuisance	granted with respect to four plants	unknown
<a href="#"><u><b>North Carolina v. TVA</b></u></a> (4 <sup>th</sup> Cir. July 2010)	coal-fired power plant challenges	nuisance	state alleged that company's power plants in other states constituted a nuisance	reversed district court	unknown
<a href="#"><u><b>N.C. Alliance for Trans. Reform v. U.S. DOT</b></u></a> (M.D.N.C. May 2010)	NEPA	NEPA	challenge to federally funded highway project on grounds that it did not evaluate GHG impacts	case dismissed	unknown
<a href="#"><u><b>N.C. Waste Awareness Network v. N.C. Dept. of Env. &amp; Nat. Resources</b></u></a> (N.C. Office of Adm. Hearings, May '09)	coal-fired power plant challenges	CAA	challenge to permit for failure to consider carbon dioxide emissions of expansion of power plant	motion to dismiss denied on this point	active
<a href="#"><u><b>In re N. Mich. Univ. Ripley Heating Plant</b></u></a> (EPA Env. App. Bd. Feb. 09)	coal-fired power plant challenges	CAA	challenge to issuance of PSD permit for failing to consider CO2 emissions	remanded to state regulatory agency	unknown
<a href="#"><u><b>Northern Plains Resource Council v. Mont. Bd. of Land Comm.</b></u></a> (Mont., filed May 2010)	state NEPAs	Montana Env. Policy Act	challenge to state lease of 8,300 acres for coal strip mine	n/a	active
<a href="#"><u><b>Northern Plains Resource Council v. Mont. Bd. of Land Comm.</b></u></a> (Mont. Jan. 2011)	state NEPAs	Montana Env. Policy Act	challenge to state lease of 8,300 acres for coal strip mine	motion to dismiss denied	active

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<a href="#"><u><i>North Slope Borough v. Minerals Mgm't Service</i></u></a> (D. Alaska 2007)	NEPA	NEPA	challenge to federal government's decision not to supplement EIS in connection with its plan to sell oil and gas leases in the Beaufort Sea	preliminary injunction denied; EIS adequate	unknown
<a href="#"><u><i>North Slope Borough v. Minerals Mgm't Service</i></u></a> (9 <sup>th</sup> Cir. Aug. 2009)	NEPA	NEPA	challenge to federal government's decision not to supplement EIS in connection with its plan to sell oil and gas leases in the Beaufort Sea	decision affirmed	unknown
<a href="#"><u><i>Northwest Environmental Advocates v. Nat'l Marine Fisheries Serv.</i></u></a> (9 <sup>th</sup> Cir. 2006)	NEPA	NEPA	challenge to adequacy of EIS prepared in connection with project to dredge and deepen Columbia River navigation channel	affirmed decision finding EIS adequate	no appeal pending
<a href="#"><u><i>Northwest Environmental Def. Center v. Owens Corning Corp.</i></u></a> , (D. Ore. 2006)	project challenges	CAA	challenge to construction of polystyrene foam insulation manufacturing facility on grounds that it did not get required preconstruction permit	standing granted; motion to dismiss denied	unknown
<a href="#"><u><i>NRDC v. Army Corps of Engineers</i></u></a> (N.D. Ohio, March 2010)	NEPA	NEPA	challenge to coal-to-liquid fuel plant	motion to dismiss granted	appeal to 6 <sup>th</sup> Cir. filed
<a href="#"><u><i>NRDC v. Bureau of Land Management</i></u></a> (D.D.C., filed May 2010)	NEPA	NEPA	challenge to BLM's authorization of oil and gas development on federal land	n/a	active

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<a href="#"><u><i>NRDC v. Kempthorne</i></u></a> (E. D. Cal. 2007)	other statutes (ESA)	ESA/APA	challenge to agency's biological opinion "no jeopardy" finding concerning Delta smelt	BiOp found inadequate	unknown
<a href="#"><u><i>NRDC v. Mich. Dept. of Nat. Resources</i></u></a> (Mich. Cir. Ct., filed March 2010)	challenges to coal-fired power plants	CAA	challenge to issuance of air permit for coal-fired power plant	n/a	active
<a href="#"><u><i>NRDC v. Mineta</i></u></a> (S.D.N.Y. 2005)	other statutes (Art. Mot. Fuels Act)	Alternative Motor Fuels Act	challenge to decision by federal officials to extend special treatment of dual-fueled motor vehicles to not comply with CAFE standards	standing granted	unknown
<a href="#"><u><i>NRDC v. South Coast Air Quality Management Dist.</i></u></a> (L.A. Co. Sup. Ct. July 2008)	state NEPAs	CEQA	challenge to SCAQMD's promulgation of air quality regulations	granted petition; rules found to violate CEQA	unknown
<a href="#"><u><i>NRDC v. State Reclamation Board</i></u></a> (Cal. Super. Ct. April 2007)	state NEPAs	CEQA	challenge to EIR for development project on grounds that it did not take into account impacts of climate change	petition denied	unknown
<a href="#"><u><i>NRDC v. U.S. State Dept.</i></u></a> (D. D.C. Sept. 2009)	NEPA	NEPA	challenge to planned pipeline that would carry oil from Canadian tar sands to U.S.	case dismissed	unknown
<a href="#"><u><i>Ohio Coal Association v. EPA</i></u></a> (D.C. Cir., filed Feb. 2010)	challenges to federal action	CAA	challenge to EPA's endangerment finding concerning greenhouse gases	n/a	active
<a href="#"><u><i>Ohio Coal Association v. EPA</i></u></a> (D.C. Cir., filed June 28, 2010)	challenges to federal action	CAA	challenge to EPA's tailoring rule	n/a	active

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<a href="#"><u><i>Okeson v. City of Seattle</i></u></a> (Wash. 2007)	regulate private conduct	Washington state law	challenge to Seattle ordinance that required utilities to pay public and private entities to mitigate GHG emissions	reversed grant of SJ to City	unknown
<a href="#"><u><i>Olmstead Co. Concerned Citizens v. Minn. Poll. Control Agency</i></u></a> (Minn. Ct. App. Dec. '10)	state NEPAs	Minn. state law	challenge to agency's refusal to require EIS at ethanol facility	affirmed	unknown
<a href="#"><u><i>Ophir v. City of Boston</i></u></a> (D. Mass July 2009)	challenges to state vehicle standards	CAA, EPCA	challenge to city requirement that taxicab companies purchase new hybrid cars by 2015	temporary injunction issued	active
<a href="#"><u><i>Ophir v. City of Boston</i></u></a> (D. Mass Aug. 2009)	challenges to state vehicle standards	CAA, EPCA	challenge to city requirement that taxicab companies purchase new hybrid cars by 2015	hybrid requirement invalidated	active
<a href="#"><u><i>In re Otter Tail Power Co.</i></u></a> (S.D. Sup. Ct. Jan. 2008)	coal-fired power plant challenges	South Dakota state law	sought review of state commission's decision that granted company's permit to build coal-fired power plant	decision affirmed	no appeal pending

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<a href="#"><u><i>Pacific Coast Fed. of Fisherman's Ass'ns v. Gutierrez</i></u></a> (E.D. Cal. July 2008)	other statutes (ESA)	ESA	challenge to federal agency's 2004 biological opinion on the effects of two California water projects on endangered salmon and steelhead	summary judgment denied	unknown
<a href="#"><u><i>Pacific Merchant Shipping Assoc. v. Goldstene</i></u></a> (9th Cir. 2008)	Clean Air Act	CAA	challenge to California Air Resources Board's marine vessel rules	preempted by CAA	unknown
<a href="#"><u><i>Pacific Merchant Shipping Assoc. v. Goldstene</i></u></a> (9th Cir. 2011)	Clean Air Act	CAA	challenge to CARB's rules requiring vessels traveling within 24 miles of coastline to switch to low-sulfur fuels	rules upheld	unknown
<a href="#"><u><i>Palm Beach Co. Env. Coalition v. Florida</i></u></a> (S.D. Florida Nov. 2008)	coal-fired power plant challenges	CAA, NEPA	sought temporary injunction against construction of power plant on grounds that GHG emissions would exacerbate climate change	motion denied	unknown

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<a href="#"><u><i>Palm Beach Co. Env. Coalition v. Florida</i></u></a> (S.D. Florida July 2009)	coal-fired power plant challenges	CAA, NEPA	motion to dismiss action filed against construction of power plant on grounds that GHG emissions would exacerbate climate change	motion granted	unknown
<a href="#"><u><i>Peabody Energy Co. v. EPA</i></u></a> (D.C. Cir., filed Feb. 2010)	challenges to federal action	CAA	challenge to EPA's endangerment finding concerning greenhouse gases	n/a	active
<a href="#"><u><i>Pinnacle Ethanol v. EPA</i></u></a> (D.C. Cir., filed May 2010)	challenges to federal action	EISA	challenge to renewable fuel standard	n/a	active
<a href="#"><u><i>Portland Cement Association v. EPA</i></u></a> (D.C. Cir., filed Feb. 2010)	challenges to federal action	CAA	challenge to EPA's endangerment finding concerning greenhouse gases	n/a	active
<a href="#"><u><i>Powder River Basin Res. Council v. Wyoming Dept. of Env. Qual.</i></u></a> (Wyoming March 2010)	coal-fired power plant challenges	CAA	challenge seeking to impose CO2 emissions limits on power plant	permit upheld	unknown
<a href="#"><u><i>Power Inn Alliance v. Co. of Sacramento Env. Man. Agency</i></u></a> (Cal. Ct. App. March 2011)	state NEPAs	CEQA	challenge to proposed solid waste facility on grounds that negative declaration violated CEQA	dismissal upheld	unknown
<a href="#"><u><i>In re Progress Energy Florida</i></u></a> (Florida Cabinet Aug. 2009)	coal-fired power plant challenges	CAA	application to build nuclear-powered electric generating facility	approved	n/a
<a href="#"><u><i>Public Citizen v. Texas Comm. on Env. Quality</i></u></a> (Tex. Dist. Ct., filed Oct. 2009)	state NEPAs	Texas Clean Air Act	challenge to state's failure to address climate change when approving new coal facilities	n/a	active

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<a href="#"><u><i>In re Quantification of Environmental Costs</i></u></a> (Minn. Ct. App. 1998)	challenges to state action	Minnesota state law	sought review of state commission's decision setting env. cost values for carbon dioxide	decision affirmed	no appeal pending
<a href="#"><u><i>Ranchers Cattlemen Action Legal Fund v. Connor</i></u></a> (D. S.D., filed Oct. 2007)	NEPA	NEPA	challenge to USDA's Rural Utility Service's regulations relaxing restrictions on import of live cattle on grounds that EA did not analyze increase emissions of GHGs from transport and importation of cattle	n/a	unknown
<a href="#"><u><i>Rocky Mountain Farmers Union v. Goldstene</i></u></a> (E.D. Cal., filed Dec. 2009)	challenges to state action	California state law	challenge to California's low carbon fuel standard	n/a	active
<a href="#"><u><i>Rocky Mountain Farmers Union v. Goldstene</i></u></a> (E.D. Cal. Jan. 2011)	challenges to state action	California state law	challenge to California's low carbon fuel standard	motion to defer pending SJ motions granted	active
<a href="#"><u><i>San Diego Navy Broadway Complex Coalition v. City of San Diego</i></u></a> (Cal. App. Ct. June 2010)	state NEPAs	CEQA	challenge to EIR for redevelopment project on grounds it did not address impact on climate change	dismissal upheld	unknown
<a href="#"><u><i>San Francisco Chapter of A. Phillip Randolph Inst. v. EPA</i></u></a> (N.D. Cal. March 2008)	coal-fired power plant challenges	California state law	sought order from Bay Area Air Quality Management District from issuing permit to two proposed power plants	motion to dismiss granted	unknown

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<a href="#"><u><i>San Luis Water Authority v. Salazar</i></u></a> (E.D. Cal., filed March 2009)	ESA	ESA	motion to supplement administrative record regarding delta smelt and its habitat	pre. inj. granted May '09	active
<a href="#"><u><i>San Luis Water Authority v. Salazar</i></u></a> (E.D. Cal. Dec. 2009)	ESA	ESA	challenged biological opinion by Fish and Wildlife Service to protect delta smelt	partially denied	active
<a href="#"><u><i>Ranchers Cattlemen Action Legal Fund v. Connor</i></u></a> (D. S.D., filed Oct. 2007)	NEPA	NEPA	challenge to USDA's Rural Utility Service's regulations relaxing restrictions on import of live cattle on grounds that EA did not analyze increase emissions of GHGs from transport and importation of cattle	n/a	unknown
<a href="#"><u><i>Santa Clarita Oak Conservatory v. City of Santa Clara</i></u></a> (L.A. Co. Sup. Ct. Aug. 2007)	state NEPAs	CEQA	challenge to EIR for proposed industrial park project on grounds that it did not adequately analyze climate change's effect on water supply	EIR held adequate; petition dismissed	unknown
<a href="#"><u><i>Save the Plastic Bag Coalition v. City of Manhattan Beach</i></u></a> (Cal. Dist. Ct., filed Jan. 2010)	state NEPAs	CEQA	challenge to negative declaration under CEQA with respect to ordinance banning plastic bags	n/a	active

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<a href="#"><u><i>Savoy Energy LLC v. NM Inst. of Mining and Tech.</i></u></a> (D. Utah, filed Jan. 2010)	project challenges/other challenges	contract and fraud claim	action alleging that university fraudulently backed out of carbon sequestration project	n/a	active
<a href="#"><u><i>Seattle Audubon Soc. v. Lyons</i></u></a> (W.D. Wash. 1994)	NEPA	NEPA	challenge to supplemental EIS prepared in connection with forest management plan	defendant's SJ motion granted	no appeal pending
<a href="#"><u><i>Seeds of Peace Collective v. City of Pittsburgh</i></u></a> (W.D. Penn. May 2010)	climate change protests	U.S. Constitution	action alleging that city interfered with right to assemble during coal conference	motion to dismiss partially granted	unknown
<a href="#"><u><i>Semiconductor Industry Ass'n v. EPA</i></u></a> (D.C. Cir., filed Jan. 2011)	challenges to federal action	CAA	Challenge to EPA GHG reporting rule for sources of fluorinated GHGs	n/a	active
<a href="#"><u><i>In re Seminole Electric Cooperative</i></u></a> (EPA Env. App. Bd., filed Oct. 2008)	coal-fired power plant challenges	CAA	challenge by Sierra Club to PSD permit issued by Florida for construction of 750 MW power plant for not including BACT limit for CO2	n/a	active
<a href="#"><u><i>Senville v. Peters</i></u></a> (D. Vt. 2004)	NEPA	NEPA	challenge to FHA's approval of segment of highway on grounds that EIS did not analyze project's effect on climate change	challenge rejected; EIS rejected on other grounds	no appeal pending
<a href="#"><u><i>In re Sevier Power Co. Power Plant</i></u></a> (Utah Air Quality Bd. Jan. 2008)	coal-fired power plant challenges	CAA	challenge to PSD permit on grounds that it did not restrict CO2 emissions	denied	unknown
<a href="#"><u><i>Sevier Power Co. LLC v. Bd. of Sevier Co. Commissioners</i></u></a> (Utah Sup. Ct. Oct. 2008)	coal-fired power plant challenges	Utah state constitution	challenge to decision by court to remove ballot initiative to require voter approval of new power plants	reversed	unknown

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<a href="#"><u><i>Shenandoah Valley Network v. Capka</i></u></a> (W.D. Virginia Sept. 2009)	NEPA	NEPA	challenge to FHA's issuance of record of decision regarding highway improvement study	summary judgment granted for def.	unknown
<a href="#"><u><i>Shenandoah Valley Network v. Capka</i></u></a> (W.D. Virginia June 2010)	NEPA	NEPA	challenge to FHA's issuance of record of decision regarding highway improvement study	Motion for leave to amend denied	unknown
<a href="#"><u><i>Sierra Club v. Clinton</i></u></a> (D. Minn. Feb. 2010)	NEPA	NEPA	challenge to construction of pipeline	prelim. injunct. denied	active
<a href="#"><u><i>Sierra Club v. Clinton</i></u></a> (D. Minn. Feb. 2010)	NEPA	NEPA	challenge to construction of pipeline	dismissal motion partially granted	active
<a href="#"><u><i>Sierra Club v. Clinton</i></u></a> (D. Minn. Oct. 2010)	NEPA	NEPA	challenge to construction of pipeline	dismissed with prejudice	unknown
<a href="#"><u><i>Sierra Club v. Dept. of Interior</i></u></a> (D. Utah, filed Jan. 2009)	NEPA	NEPA	challenge to proposed oil sands project	n/a	unknown
<a href="#"><u><i>Sierra Club v. Duke Energy Indiana</i></u></a> (Indiana Office of Env. Adj., filed Feb. 2008)	coal-fired power plant challenges	CAA	challenge to modification of power plant on grounds that it did not comply with BACT emission limits	n/a	unknown
<a href="#"><u><i>Sierra Club v. Duke Energy Indiana</i></u></a> (S.D. Ind. Sept. 2010)	coal-fired power plant challenges	CAA	challenge to modification of power plant on grounds that it did not comply with BACT emission limits	dismissed on SoL grounds; dec. stayed	unknown

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<a href="#"><u><i>Sierra Club v. Energy Future Holdings Corp.</i></u></a> (E.D. Tex, filed Sept. 2010)	coal-fired power plant challenges	CAA	challenge to coal-fired power plant in Eastern Texas on grounds that violated CAA numerous times	n/a	active
<a href="#"><u><i>Sierra Club v. EPA</i></u></a> (dismissed Sept. 2007; rehearing denied Oct. 2007)	coal-fired power plant challenges	CAA	challenge to EPA's issuance of permit to build power plant on grounds that EPA did not consider BACT with respect to hauling coal	petition denied; rehearing denied	no appeal pending
<a href="#"><u><i>Sierra Club v. EPA</i></u></a> (11 <sup>th</sup> Cir. 2008)	coal-fired power plant challenges	CAA	challenge to EPA's failure to object to issuance of state air pollution permits under Title V of CAA	dismissed	unknown
<a href="#"><u><i>Sierra Club v. EPA</i></u></a> (D.C. Cir., filed Jan. 2009)	coal-fired power plant challenges	CAA	challenge to EPA administrator's decision stating that power plants to not need to limit CO2 emissions	n/a	unknown
<a href="#"><u><i>Sierra Club v. EPA</i></u></a> (D.D.C. June 2009)	coal-fired power plant challenges	CAA	challenge to permit for proposed new generating unit	transferred case to Kentucky	active
<a href="#"><u><i>Sierra Club v. EPA</i></u></a> (D.C. Cir., filed Dec. 2009)	CAA	CAA	lawsuit seeking to force EPA to reconsider performance standards for coal preparation and processing facilities	n/a	active
<a href="#"><u><i>Sierra Club v. EPA</i></u></a> (D.C. Cir., filed Nov. 2010)	challenges to federal action	CAA	challenge to EPA's NSPS regarding GHGs from Portland cement facilities	n/a	active
<a href="#"><u><i>Sierra Club v. EPA</i></u></a> (W.D. Wash., filed Nov. 2010)	coal-fired power plant challenges	CAA	challenge to operating permit for coal-fired plant regarding RACT	n/a	active
<a href="#"><u><i>Sierra Club v. EPA</i></u></a> (N.D. Cal., filed Feb. 2011)	coal-fired power plant challenges	CAA	challenge to power plant, failure to respond to FOIA request	n/a	active

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<a href="#"><u><i>Sierra Club v. FHA</i></u></a> (S.D. Tex. May 2010)	NEPA	NEPA	challenge to construction of highway in northwest Houston	case dismissed	unknown
<a href="#"><u><i>Sierra Club v. Franklin Co. Power of Illinois, LLC</i></u></a> (7 <sup>th</sup> Cir. Oct. 2008)	coal-fired power plant challenges	CAA	sought to enjoin power company from building power plant without first obtaining PSD permit from state	upheld injunction	unknown
<a href="#"><u><i>Sierra Club v. Jackson</i></u></a> (E.D. Ken., consent decree signed '09)	coal-fired power plant challenges	CAA	challenge to Title V operating permit of power plant	consent decree signed	unknown
<a href="#"><u><i>Sierra Club v. Jackson</i></u></a> (W.D. Wis, consent decree filed July 2009, June 2010)	coal-fired power plant challenges	CAA	challenge to Title V operating permit of power plant	consent decree signed	unknown
<a href="#"><u><i>Sierra Club v. Jackson</i></u></a> (D.D.C. July 2010)	coal-fired power plant challenges	CAA	challenge to construction of three power plants in Kentucky	motion to dismiss granted	unknown
<a href="#"><u><i>Sierra Club v. Jackson</i></u></a> (W.D. Ohio, consent decree signed '10)	coal-fired power plant challenges	CAA	challenge to Title V operating permit of power plant	consent decree signed	unknown
<a href="#"><u><i>Sierra Club v. Mississippi Public Service Comm.</i></u></a> (Miss. Chancery Ct., filed July 2010)	coal-fired power plant challenges	state law	challenge to construction of power plant in Kemper County Mississippi	challenge dismissed Feb. 2011	unknown
<a href="#"><u><i>Sierra Club v. Moser</i></u></a> (Kan. Ct. App., filed Jan. 2011)	coal-fired power plant challenges	CAA	challenge to grant of permit to build new coal-fired power plant	n/a	active

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<a href="#"><u><i>Sierra Club v. Otter Tail Power Co.</i></u></a> (8 <sup>th</sup> Cir. Aug. 2010)	coal-fired power plant challenges	CAA	challenge to modifications at coal-fired power plant under PSD portion of CAA	dismissed	unknown
<a href="#"><u><i>Sierra Club v. Sandy Creek Energy Associates</i></u></a> (5 <sup>th</sup> Cir. Nov. 2010)	coal-fired power plant challenges	CAA	Challenge to construction of coal-fired power plant on grounds that it did not comply with MACT	reversed and remanded	cert. petition filed April 2011
<a href="#"><u><i>Sierra Club v. Southwest Wash. Clean Air Agency</i></u></a> (Wash. Poll. Control Hearing Bd. April 2010)	coal-fired power plant challenges	CAA and related state laws	challenge to air permit issued to coal-fired power plant	challenge dismissed	unknown
<a href="#"><u><i>Sierra Club v. Texas Comm. on Env. Quality</i></u></a> (Tex. Dist. Ct. March 2011)	coal-fired power plant challenges	Texas state law	challenge to permit for coal-fired power plant on grounds that GHG emissions were not considered	challenge rejected	unknown
<a href="#"><u><i>Sierra Club v. Texas Comm. on Env. Quality</i></u></a> (Tex. Dist. Ct., filed May 2011)	coal-fired power plant challenges	Texas state law	challenge to approval of coal-fired power plant on grounds that state incorrectly evaluated air pollution from facility	n/a	active
<a href="#"><u><i>Sierra Club v. Two Elks Generation Partners</i></u></a> (D. Wyoming, filed Jan. 2009)	coal-fired power plant challenges	CAA	challenge to air emissions permit for proposed coal-fired power plant	n/a	active
<a href="#"><u><i>Sierra Club v. U.S. Army Corps of Engineers</i></u></a> (W.D. Ark., filed Feb. 2010)	coal-fired power plant challenges	NEPA	challenge to construction of power plant on grounds that it violated NEPA	n/a	active
<a href="#"><u><i>Sierra Club v. U.S. Army Corps of Engineers</i></u></a> (W.D. Ark. Oct. 2010)	coal-fired power plant challenges	NEPA	challenge to construction of power plant on grounds that it violated NEPA	injunction granted	active

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<a href="#"><u><i>Sierra Club v. U.S. Army Corps of Engineers</i></u></a> (W.D. Ark., filed July 2010)	coal-fired power plant challenges	NEPA	challenge to construction of power plant on grounds that EIS should have been prepared	n/a	active
<a href="#"><u><i>Sierra Club v. U.S. Defense Energy Support Center</i></u></a> (N.D. Cal., filed June 2010)	other statutes/EISA	EISA	challenge to U.S. military purchasing fuels derived from Canadian oil sands	n/a	active
<a href="#"><u><i>Sierra Club v. U.S. Defense Energy Support Center</i></u></a> (N.D. Cal. Jan. 2011)	other statutes/EISA	EISA	challenge to U.S. military purchasing fuels derived from Canadian oil sands	motion to transfer venue granted	active
<a href="#"><u><i>Sierra Club v. U.S. Dept. of Agriculture</i></u></a> (D.D.C. July 2008)	coal-fired power plant challenges	NEPA	challenge to USDA's Rural Utility Service's use of low-interest loans to finance power plants	motion to dismiss denied	active
<a href="#"><u><i>Sierra Club v. U.S. Dept. of Agriculture</i></u></a> (D.D.C. March 2011)	coal-fired power plant challenges	NEPA	challenge to power plant in Kansas on ground that the Dept. of Ag. did not comply with NEPA	SJ motion granted	unknown
<a href="#"><u><i>Sierra Club v. U.S. Dept. of Energy</i></u></a> (D.D.C., filed March 2011)	coal-fired power plant challenges	CAA	challenge to federal funding for coal-fired power plant on grounds that it violated NEPA	n/a	active
<a href="#"><u><i>Sierra Club v. U.S. Dept. of State</i></u></a> (N.D. Cal., filed Sept. 2009)	NEPA	NEPA	challenge to construction of cross-border pipeline that would bring oil from Canadian tar sands to U.S.	n/a	active
<a href="#"><u><i>Sierra Club v. U.S. Dept. of State</i></u></a> (N.D. Cal. Sept. 2009)	NEPA	NEPA	motion to transfer venue to Minnesota	motion granted	active
<a href="#"><u><i>Sierra Club v. Vilsack</i></u></a> (D.D.C., filed June 2010)	coal-fired power plant challenges	NEPA	challenge to regulation allowing company to construct coal-fired power plant	n/a	active

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<a href="#"><u><i>Sierra Club v. Wellington Dev.- WVDT LLC</i></u></a> (W.D. Pa., filed Feb. 2008)	coal-fired power plant challenges	CAA	challenge to proposed construction of power plants on grounds that it violates MACT provisions of CAA	n/a	unknown
<a href="#"><u><i>Sierra Club v. Wisconsin Power &amp; Light Co.</i></u></a> (W.D. Wis, filed Sept. 2010)	coal-fired power plant challenges	CAA	challenge to modification of boilers at two coal-fired power plants on grounds that necessary permits were not obtained	n/a	active
<a href="#"><u><i>Sierra Club v. Wyoming Dept. of Env. Quality</i></u></a> (Wyoming March 2011)	coal-fired power plant challenges	CAA	challenge to permit authorizing coal-to-liquid facility on grounds that it did not consider SO2 emissions	upheld denial	unknown
<a href="#"><u><i>SIP/FIP Advocacy Group v. EPA</i></u></a> (D.C. Cir., filed Feb. 2011)	challenges to federal action	CAA	challenge to EPA rule requiring states to adopt regs allowing them to issue GHG permits for large new and modified stationary sources	n/a	active
<a href="#"><u><i>Southeastern Legal Foundation v. EPA</i></u></a> (D.C. Cir., filed May 2010)	challenges to federal action	CAA	challenge to GHG limits and increased fuel economy standards for cars and light trucks	n/a	active

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<a href="#"><u><i>Southeastern Legal Foundation v. EPA</i></u></a> (D.C. Cir., filed June 2010)	challenges to federal action	CAA	challenge to tailoring rule that requires only largest new and modified stationary sources of GHGs to control emissions	n/a	active
<a href="#"><u><i>Southern Alliance for Clean Energy v. Duke Energy Carolinas, Inc.</i></u></a> (W.D.N.C. July 2009)	coal-fired power plant challenges	CAA	motion to dismiss lawsuit on ground that proper venue was state administrative proceeding	motion granted	unknown
<a href="#"><u><i>Southern Alliance for Clean Energy v. Duke Energy Carolinas, Inc.</i></u></a> (W.D.N.C., filed Aug. 2008)	coal-fired power plant challenges	CAA	challenge to construction of power plant on grounds that it violates the MACT provisions of CAA	n/a	active
<a href="#"><u><i>Southern Alliance for Clean Energy v. Duke Energy Carolinas, Inc.</i></u></a> (W.D.N.C. Dec. 2008)	coal-fired power plant challenges	CAA	company filed motion to dismiss challenge to construction of power plant on grounds that it violates MACT provisions of CAA	motion denied; MACT analysis ordered	active
<a href="#"><u><i>Southern Alliance for Clean Energy v. Duke Energy Carolinas, Inc.</i></u></a> (4 <sup>th</sup> Cir. April 2011)	coal-fired power plant challenges	CAA	challenge to \$483,000 award of attorney's fees	fees upheld	active
<a href="#"><u><i>Southern Env. Law Center v. North Carolina Div. of Air Quality</i></u></a> (N.C. Off. of Adm. Hear., filed March 2008)	coal-fired power plant challenges	CAA	challenge to permits issued by state agency to proposed 800 MW power plant	n/a	unknown
<a href="#"><u><i>Southern Utah Wilderness Alliance v. Interior Dept.</i></u></a> (D.D.C., filed Nov. 2010)	NEPA	NEPA	Challenge to authorization by BLM to open 4.5 million acres of public lands in Utah to oil and gas development	n/a	active

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<a href="#"><u><i>South Yuba River Citizens League v. National Marine Fisheries Service</i></u></a> (E.D. Cal. July 2010)	ESA	ESA	challenge to biological opinion concerning water diversions on Yuba River	SJ motions partially granted	active
<a href="#"><u><i>State of California v. County of San Bernardino</i></u></a> (Cal. Super. Ct. 2007)	state NEPAs	CEQA	challenge to county's general plan on grounds that it did not consider plan's effects on climate change	settled	settled
<a href="#"><u><i>State of New York v. U.S. Dept. of Energy</i></u></a> (2d Cir., filed Jan. 2008)	other statutes (EPA)	Environmental Procedure Act	sought review of fed. program concerning energy conservation standards for furnaces and boilers	n/a	unknown
<a href="#"><u><i>Steadfast Ins. Co. v. The AES Corp.</i></u></a> (Arlington Co. Cir. Ct., filed July 2008)	common law claims/money damages	contract law	Insurance company seeks declaratory judgment that it is not liable for damages concerning <a href="#"><u>Kivalina</u></a> lawsuit	n/a	active
<a href="#"><u><i>Sunflower Ele. Corp. v. Sebelis</i></u></a> (D. Kan, filed Nov. 2008)	coal-fired power plant challenges	constitutional claims	suit alleges that governor and others violated company's right to fair and equal treatment	n/a	active
<a href="#"><u><i>Sunflower Ele. Corp. v. Sebelis</i></u></a> (D. Kan., filed July 2009)	coal-fired power plant challenges	constitutional claims	suit alleges again that government and others violated company's right to fair and equal treatment	n/a	active

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<a href="#"><u><i>Sunflower v. Kan. Dept. of Health &amp; Env.</i></u></a> (Kan. Superior Ct., July 2008)	coal-fired power plant challenges	Kansas state law	challenge by power company that proposed to build two power plants with respect to denial of permit by Kansas Dept. of Health and Env.	held that jurisdiction resides with Kan. Sup. Ct.	active
<a href="#"><u><i>Sus. Trans. Advocates of Santa Barbara v. Santa Barbara Co. Assoc. of Governments</i></u></a> (S.B. Co. Sup. Ct. June 2009)	state NEPAs	CEQA	challenge to regional transportation plan that did not discuss energy impacts of plan	EIR voided	active
<a href="#"><u><i>Tesoro Refining &amp; Marketing Co. v. Cal. Air Resources Bd.</i></u></a> (Sac. Co. Sup. Ct., filed Sept. 2008)	challenges to state action	California state law	challenge to state rule requiring oil refiners to increase corn-based ethanol in gasoline	n/a	active
<a href="#"><u><i>Texas v. EPA</i></u></a> (D.C. Cir., filed Feb. 2010)	challenges to federal action	CAA	challenge to EPA's endangerment finding concerning greenhouse gases	n/a	active
<a href="#"><u><i>Texas v. EPA</i></u></a> (D.C. Cir., filed Sept. 2010)	challenges to federal action	CAA	challenge to EPA's denial of its petition for reconsideration of endangerment finding	n/a	active
<a href="#"><u><i>Texas v. EPA</i></u></a> (D.C. Cir., filed Dec. 2010)	challenges to federal action	CAA	challenge to EPA's rule revoking approval of Texas' SIP concerning issuance of PSD permits for GHGs	emerg. stay granted 12/30/10	active

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<a href="#"><u><i>Texas v. EPA</i></u></a> (D.C. Cir., Jan. 12, 2011)	challenges to federal action	CAA	challenge to EPA's rule revoking approval of Texas' SIP concerning issuance of PSD permits for GHGs	stay denied	unknown
<a href="#"><u><i>Texas v. EPA</i></u></a> (D.C. Cir., filed Feb. 2011)	challenges to federal action	CAA	challenge to EPA rule requiring states to adopt regs allowing them to issue GHG permits for large new and modified stationary sources	n/a	active
<a href="#"><u><i>Texas v. EPA</i></u></a> (D.C. Cir., filed May 2011)	challenges to federal action	CAA	challenge to EPA final rule extending agency's takeover of state's GHG permitting program	n/a	active
<a href="#"><u><i>In re Tongue River Railroad Co.</i></u></a> (Surface Trans. Bd., filed July 2010)	NEPA	NEPA	challenge to railroad intended to access coal in Powder River Basin	n/a	active
<a href="#"><u><i>In re Transalta Corp.</i></u></a> (EPA, filed Nov. 2009)	coal-fired power plant challenges	state and federal CAA	challenge to power plant's permit for failure to contain GHGs	n/a	active
<a href="#"><u><i>Transportation Solutions Defense and Ed. Fund v. Cal. Dept. of Transportation</i></u></a> (Sac. Co. Sup. Ct., filed Aug. 2009)	state NEPAs	CEQA	challenge to state approval of road widening project on grounds that EIS did not look at climate change impacts	n/a	active

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<a href="#"><u><i>In re Trimble Co. Generating Station</i></u></a> (EPA Sept. 2009)	coal-fired power plant challenges	CAA	order issued requiring state to rewrite permit for power plant to require analysis of fine particles	order	unknown
<a href="#"><u><i>Underwriters at Lloyd's of London v. NFC Mining, Inc.</i></u></a> (E.D. Kentucky, Jan. 2010)	coal-fired power plant challenges	state law	action seeking judgment that insurance company does not have to indemnify coal processing facility	motion granted	unknown
<a href="#"><u><i>United States v. Alabama Power Co.</i></u></a> (N.D. Alabama March 2011)	coal-fired power plant challenges	CAA	challenge to modification of plant as not routine under EPA regulations	challenge rejected	unknown
<a href="#"><u><i>United States v. Cinergy</i></u></a> (S.D. Indiana, Dec. 2009)	coal-fired power plant challenges	CAA	enforcement action concerning alleged violations of CAA at coal-fired power plant	after jury verdict against Cinergy, settlement reached	active
<a href="#"><u><i>United States v. Cinergy</i></u></a> (7 <sup>th</sup> Cir. Oct. 2010 )	coal-fired power plant challenges	CAA	enforcement action concerning alleged violations of CAA at coal-fired power plant	<b>reversed</b> jury verdict	unknown
<a href="#"><u><i>United States v. DeChristopher</i></u></a> (D. Utah Nov. 2009)	climate protestors and scientists	Oil and Gas Leasing Reform Act	action alleging violation of Act for bidding on BLM leases; motion in limine to exclude necessity defense	motion granted	active
<a href="#"><u><i>United States v. DTE Energy</i></u></a> (E.D. Mich., filed Aug. 2010)	coal-fired power plant challenges	CAA	enforcement suit alleging that company modified power plant without a permit	n/a	unknown
<a href="#"><u><i>United States v. EME Homer City Generation LP</i></u></a> (W.D. Pa., filed Jan. 2011)	coal-fired power plant challenges	CAA	enforcement suit alleging that power plant made major modifications without obtaining permits	n/a	active

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<a href="#"><u><i>United States v. Midwest Generation LLC</i></u></a> (N.D. Ill. March 2010)	coal-fired power plant challenges	CAA	enforcement action concerning alleged violations of CAA at coal-fired power plant	dismissed	unknown
<a href="#"><u><i>United States v. Midwest Generation LLC</i></u></a> (N.D. Ill. March 2011)	coal-fired power plant challenges	CAA	enforcement action concerning alleged violations of CAA at coal-fired power plant	dismissed amended complaint	unknown
<a href="#"><u><i>United States v. Northern Indiana Public Serv. Co.</i></u></a> (N.D. Ind., settled Jan. 2011)	coal-fired power plant challenges	CAA	enforcement action concerning violations of CAA concerning modifications at coal-fired power plants	settled	inactive
<a href="#"><u><i>United States v. Pac. Gas &amp; Electric</i></u></a> (N.D. Cal. March 2011)	coal-fired power plant challenges	CAA, ESA	motion to intervene under CAA to challenge settlement on grounds it did not comply with ESA	motion denied	unknown
<a href="#"><u><i>United States v. Sholtz</i></u></a> (C.D. Cal. Dec. 2009)	other statutes (1 <sup>st</sup> Amendment)	1 <sup>st</sup> Amendment	action seeking access to judicial records concerning alleged fraudulent pollution credit trading scheme in California	motion partially granted	unknown
<a href="#"><u><i>University of Virginia v. Virginia Attorney General</i></u></a> (Va. Cir. Ct., filed May 2010)	climate change protestors and scientists	state law	action seeking to quash investigative demands of Va. AG concerning "climategate"	n/a	see below
<a href="#"><u><i>University of Virginia v. Virginia Attorney General</i></u></a> (Va. Cir. Ct. Aug. 2010)	climate change protestors and scientists	state law	action seeking to quash investigative demands of Va. AG concerning "climategate"	held that university doesn't have to comply with subpoenas	unknown

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<a href="#"><u><i>Utah Chapter of the Sierra Club v. Air Quality Bd.</i></u></a> (Utah Sup. Ct. Dec. 2009)	coal-fired power plant challenges	CAA	challenge to approval of power plant proposal	reversed state board's approval	unknown
<a href="#"><u><i>Utility Air Regulatory Group v. EPA</i></u></a> (D.C. Cir., filed Dec. 2009)	challenges to federal action	CAA	challenge to EPA's reporting requirements for certain emitters of GHGs	settled July 2010	settled
<a href="#"><u><i>Utility Air Regulatory Group v. EPA</i></u></a> (D.C. Cir., filed Feb. 2010)	challenges to federal action	CAA	challenge to EPA's endangerment finding concerning greenhouse gases	n/a	active
<a href="#"><u><i>Utility Air Regulatory Group v. EPA</i></u></a> (D.C. Cir., filed Feb. 11, 2011)	challenges to federal action	CAA	challenge to EPA rule requiring states to adopt regs allowing them to issue GHG permits for large new and modified stationary sources	n/a	active
<a href="#"><u><i>Utility Air Regulatory Group v. EPA</i></u></a> (D.C. Cir., filed Feb. 28, 2011)	challenges to federal action	CAA	challenge to two EPA rules to facilitate GHG emissions permitting in seven states	n/a	active
<a href="#"><u><i>Valley Advocates v. City of Atwater</i></u></a> (Cal. Ct. App. March 2011)	state NEPAs	CEQA	challenge to adequacy of environmental review of proposed wastewater treatment plant	denial upheld	unknown
<a href="#"><u><i>Virginia v. EPA</i></u></a> (D.C. Cir., filed Feb. 2010)	challenges to federal action	CAA	challenge to EPA's determination that GHGs endanger human health and welfare	n/a	active

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<a href="#"><u>Virginia v. EPA</u></a> (D.C. Cir. April 2010)	challenges to federal action	CAA	filed motion seeking to reopen endangerment finding	n/a	active
<a href="#"><u>Western Watersheds Project v. BLM</u></a> (D. Nev. March 2011)	NEPA	NEPA	challenge to wind energy facility on grounds that EIS was required	motion for preliminary injunction denied	active
<a href="#"><u>Western Watersheds Project v. Salazar</u></a> (D. Idaho May 2010)	NEPA	NEPA	challenge to env. impact statements for failure to take into account climate change	partially granted motion to intervene	active
<a href="#"><u>Western Watersheds Project v. Salazar</u></a> (D. Idaho May 2009)	NEPA	NEPA	challenge to env. impact statements for failure to take into account climate change	denied motion to transfer case	active
<a href="#"><u>WildEarth Guardians v. Jackson</u></a> (D. Col., consent decree approved Jan. 2011)	coal-fired power plant challenges	CAA	challenge to state permit permitting operation of coal-fired power plant	consent decree approved Jan. 2011	not active
<a href="#"><u>WildEarth Guardians v. Salazar</u></a> (D.D.C., filed July 2010)	NEPA	NEPA	challenge to government decision to put coal leases in Wyoming's Power River Basin up for sale	n/a	active
<a href="#"><u>WildEarth Guardians v. Salazar</u></a> (D.D.C. May 2011)	NEPA	NEPA	challenge to government decision to put coal leases in Wyoming's Power River Basin up for sale	motion to dismiss partially granted	active
<a href="#"><u>WildEarth Guardians v. Salazar</u></a> (D.D.C., filed April 2011)	NEPA	NEPA, Adm. Procedure Act	<a href="#"><u>challenge</u></a> to leasing plan in Power River Basin on ground that it does not manage it as "coal producing region"	n/a	active

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
<a href="#"><u><i>WildEarth Guardians v. U.S.F.S.</i></u></a> (D. Col., filed Oct. 2008)	NEPA	NEPA	challenge to Forest Service's EIS for failure to mitigate climate impacts of methane venting	n/a	active
<a href="#"><u><i>WildEarth Guardians v. U.S.F.S.</i></u></a> (10 <sup>th</sup> Cir. July 2009)	NEPA	NEPA	mining company moved to intervene in case; district court denied motion	denial of motion affirmed	active
<a href="#"><u><i>WildEarth Guardians v. U.S.F.S.</i></u></a> (D. Col. April 2010)	NEPA	NEPA	challenge to Forest Service's EIS for failure to mitigate climate impacts of methane venting	remanded adm. records	active
<a href="#"><u><i>The Wilderness Society v. Dept. of Interior</i></u></a> (N.D. Cal., filed July 09)	NEPA	NEPA	challenge to designation of electricity transmission corridors	n/a	active
<a href="#"><u><i>In re Wisconsin Power and Light</i></u></a> (Pub. Service Commission of Wisconsin Nov. 2008)	coal-fired power plant challenges	Wisconsin state law	proposal to build new 300 MW coal-fired power plant	rejected	unknown
<a href="#"><u><i>Woodward Park Homeowners Assoc. v. City of Fresno</i></u></a> (Cal. Ct. App. Feb. 2011)	state NEPAs	CEQA	challenge to environmental review of commercial downtown development	rejection of EIR affirmed	unknown
<a href="#"><u><i>Wyoming v. EPA</i></u></a> (10 <sup>th</sup> Cir., filed Feb. 10, 2011)	challenges to federal action	CAA	challenge to EPA rulemaking concerning PSD requirements for states	n/a	active

# Comer v. Murphy Oil USA

Name and Date	Description
<u>Comer v. Murphy Oil USA</u> (5 <sup>th</sup> Cir. Oct. 16, 2009)	Plaintiffs alleged that defendants, including a number of companies that produce fossil fuels, caused the emission of greenhouse gases that contributed to climate change and thereby added to the ferocity of Hurricane Katrina, ultimately causing damages to plaintiffs' property. Defendants' motion to dismiss was granted by the district court. On appeal, the Fifth Circuit partially reversed, holding that plaintiffs had standing to assert their public and private nuisance, trespass, and negligence claims, and that none of these claims presented non-justiciable political questions.
<u>Comer v. Murphy Oil USA</u> (5 <sup>th</sup> Cir. Feb. 26, 2010)	The Fifth Circuit granted a motion to reconsider <i>en banc</i> its decision allowing a group of Mississippi property owners to sue a group of energy companies and the Tennessee Valley Authority in federal court for alleged climate-change related damages.
<u>Comer v. Murphy Oil USA</u> (5 <sup>th</sup> Cir. May 28, 2010)	Due to the loss of a quorum because of recusal of an additional judge, the Fifth Circuit dismissed the <i>en banc</i> review of a climate change tort lawsuit in which Mississippi property owners alleged that a group of energy and other companies should be held liable for some of the hurricane damage to their properties. The action means that the district court's dismissal of the lawsuit stands. In February 2010, the Fifth Circuit granted <i>en banc</i> review to a 2009 decision by the Circuit that held that plaintiffs could proceed, and vacated the 2009 decision. However, in the May 2010 decision the court held that it could not give the lawsuit <i>en banc</i> review because it no longer had a quorum to do so, but it left standing the order vacating the panel decision. Thus court said plaintiffs may now seek review from the U.S. Supreme Court. Three judges vigorously dissented.
<u>Comer v. Murphy Oil USA</u> (U.S. Sup. Ct., filed Aug. 26, 2010)	In August 2010, the plaintiffs filed a <a href="#">petition</a> for a writ of mandamus with the U.S. Supreme Court, seeking an order that would, in effect, overturn the Fifth Circuit's dismissal of the appeal.
<u>Comer v. Murphy Oil USA</u> (U.S. Sup. Ct. Jan. 10, 2011)	The U.S. Supreme Court rejected the plaintiffs' request for a writ of mandamus without comment.

## ***Appalachian Voices v. State Air Pollution Control Board***

Name and Date	Description
<p><u><b><i>Appalachian Voices v. State Air Pollution Control Board</i></b></u> (Vir. Cir. Ct. Aug. 10, 2009)</p>	<p>A Virginia state court invalidated one of the permits for a coal-fired power plant that Dominion Resources has been building for more than a year. The permit for a maximum achievable control technology (MACT) was approved by the State Air Pollution Control Board with an “escape hatch” clause stating that if federal limits on mercury emissions “are not achievable on a consistent basis under reasonably foreseeable conditions, then testing and evaluation shall be conducted to determine an appropriate adjusted maximum annual emissions limit.” The court rejected this clause, holding that the Clean Air Act (CAA) allows for no such adjustment.</p>
<p><u><b><i>Appalachian Voices v. State Air Pollution Control Board</i></b></u> (Va. Air Quality Control Board Sept. 3, 2009)</p>	<p>In September 2009, the Virginia Dept. of Environmental Quality tightened the mercury emissions limit for a coal-fired power plant that Dominion Resources, Inc. is considering in the southwest corner of the state. The revised permit eliminates a clause in the original permit that provided an “escape hatch” from compliance with standards based on maximum achievable control technology (MACT). The change came in response to an August 10, 2009 Virginia Circuit Court ruling that invalidated the plant’s permit over the escape-hatch clause. On September 3, 2009, the Virginia Air Quality Control Board approved the revised permit.</p>
<p><u><b><i>Appalachian Voices v. State Air Pollution Control Board</i></b></u> (Vir. Ct. App. May 25, 2010)</p>	<p>A Virginia state appellate court affirmed a lower court’s decision to allow an energy company to receive a permit for a coal-fired power plant in Southwestern Virginia, rejecting claims that the permit was not valid because it did not regulate carbon dioxide as a pollutant. The appellate court held that because no provision of the Clean Air Act or Virginia state law controlled or limited carbon dioxide emissions, it was not a pollutant subject to regulation and thus that the State Air Pollution Control Board was not under any obligation to do an analysis to establish permit limits for such emissions.</p>

## *New Energy Economy, Inv. v. Leavell*

Name and Date	Description
<u><i>New Energy Economy, Inc. v. Leavell</i></u> (N.M. June 7, 2010)	The New Mexico Supreme Court issued a ruling allowing the State Environmental Improvement Board to proceed with a rulemaking for GHG regulations. The court vacated a preliminary injunction issued in April 2010 by a lower court, holding that the injunction would harm the agency's ability to do its job. The court remanded the case to the State Environmental Improvement Board so it could resume public hearings on the proposed regulations.

## *Seeds of Peace Collective v. City of Pittsburgh*

Name and Date	Description
<u><i>Seeds of Peace Collective v. City of Pittsburgh</i></u> (W.D. Penn. May 26, 2010)	A community group filed a civil rights action against the City of Pittsburgh, alleging that the City violated its members' constitutional rights by interfering with their ability to freely assemble and demonstrate in September 2009 when the International Coal Conference and the Group of 20 Summit took place in Pittsburgh. The City moved to dismiss. The district court partially denied the motion, holding that the groups' First Amendment claims had been adequately plead and could proceed to discovery. However, it dismissed the remaining claims.

## *Center for Biological Diversity v. County of San Bernardino*

Name and Date	Description
<u><i>Center for Biological Diversity v. County of San Bernardino</i></u> (Cal. Ct. App. May 25, 2010)	The Center for Biological Diversity successfully challenged San Bernardino County's approval of an open-air human waste composting facility under the California Environmental Quality Act (CEQA) on various grounds, including its failure to analyze GHG emissions. The challenge resulted in the final environmental impact report (FEIR) being decertified. The county appealed, alleging that the trial court erred by decertifying the FEIR on the grounds that it, among other things, did not analyze the feasibility of an enclosed facility as an alternative. The appellate court disagreed and upheld the trial court's determination.

## *Sierra Club v. Federal Highway Administration*

Name and Date	Description
<u><i>Sierra Club v. Federal Highway Administration</i></u> (S.D. Tex. May 19, 2010)	Two environmental groups filed an action seeking to block construction of a new highway in northwest Houston, Texas. Among other things, the plaintiffs alleged that the final environmental impact statement (FEIS) failed to consider GHG emissions. Both sides moved for summary judgment. The court granted the defendant's motion, holding that an analysis of GHG emissions was not required under federal law.

***North Carolina Alliance for Transportation Reform v. U.S. Dept. of Transportation***

<b>Name and Date</b>	<b>Description</b>
<p><u><i>North Carolina Alliance for Transportation Reform v. U.S. Dept. of Transportation</i></u> (M.D.N.C. May 19, 2010)</p>	<p>Several environmental groups challenged the construction of a federal highway project in North Carolina, alleging that an EIS prepared in connection with the project failed to evaluate the project's effect on climate change. Both sides moved for summary judgment. The district court granted defendant's motion, holding that NEPA requires an analysis of air quality but that it does not expressly refer to climate change or GHG emissions and thus such an analysis was not necessary.</p>

## *Hempstead County Hunting Club v. Arkansas Public Service Commission*

Name and Date	Description
<u><i>Hempstead County Hunting Club, Inc. v. Arkansas Public Service Commission</i></u> (Ark Ct. App. June 24, 2009)	An Arkansas appellate court struck down a state permit allowing an electric company to build a \$1.6 billion coal-fired power plant near the state's southwest border with Texas. The court held that the state public service commission failed to require the company to address alternative locations in its permit application and that it failed to make a finding regarding the basis of the need for a new plant. In addition, the court held that the commission failed to resolve all matters concerning the plant and associated transmission lines in a single proceeding.
<u><i>Hempstead Co. Hunting Club v. Arkansas Public Service Comm.</i></u> (Arkansas May 13, 2010)	The Arkansas Supreme Court reversed the Arkansas Public Service Commission's decision to allow a \$1.6 billion power plant to be built by American Electric Power Co. (AEP), holding that the Commission had incorrectly determined the need for the power plant. Specifically, the court found that the Commission assessed the need for a plant in a proceeding that was separate from the main proceeding in violation of state law.

## *Western Watersheds Project v. U.S. Forest Service*

Name and Date	Description
<u><i>Western Watersheds Project v. U.S. Forest Service</i></u> (D. Idaho May 4, 2010)	Several parties moved to intervene in a case challenging the U.S. Forest Service's decision to allow grazing on certain federal lands. The plaintiff in the case alleged that the Forest Service failed to discuss in its EIS new information on noxious weeds and climate change. In a previous decision, the court held that the Forest Service violated NEPA by not fully considering grazing's impact on the environment and ordered it to complete a supplemental EIS. Two proposed interveners hold permits to graze sheep on certain allotments of federal land and two others are associations dedicated to advancing the sheep industry. The court denied the intervention as to liability but allowed it with respect to remedies, holding that none of the interveners had any unique insight into the Forest Service's conduct with respect to its liability.

## *Metropolitan Taxicab Board of Trade v. City of New York*

Name and Date	Description
<p><u><i>Metropolitan Taxicab Board of Trade v. City of New York</i></u> (S.D.N.Y. June 22, 2009)</p>	<p>In March 2009, New York City adopted a package of incentives to encourage taxicab owners to convert to all-hybrid fleets. The incentives had been designed as an alternative to city fuel efficiency rules for taxis struck down earlier by a federal district court on federal preemption grounds. To encourage the purchase of hybrid vehicles, the alternative plan relied on incentives in City lease cap rules rather than miles-per-gallon fuel efficiency standards. The fleet owners and a trade association filed an action in federal court alleging that the rules that reduced the lease caps for non-hybrid, non-clean diesel vehicles constituted a mandate that was preempted by the Energy Policy and Conservation Act (EPCA) and the CAA. In June 2009, the district court granted a motion for a preliminary injunction blocking the incentive plan, holding that the new rules amounted to a de facto mandate to purchase hybrid vehicles and thus they were related to fuel economy and preempted under the EPCA and the CAA.</p>
<p><u><i>Metropolitan Taxicab Board of Trade v. City of New York</i></u> (2d Cir. July 27, 2010)</p>	<p>On appeal, the Second Circuit affirmed, holding that the rules “relate” to fuel economy standards as that term is understood in statutory construction. The court found that imposing reduced lease caps solely on the basis of whether or not a vehicle has a hybrid engine has no relation to an end other than an improvement in fuel economy. Thus, it was preempted by EPCA. Because the court found that it was preempted by EPCA, it did not reach the issue of whether it was also preempted under the CAA.</p>
<p><u><i>City of New York v. Metropolitan Taxicab Board of Trade</i></u> (Sup. Ct. Feb. 28, 2011)</p>	<p>The Supreme Court denied a request by New York City to review a Second Circuit decision that blocked enforcement of city regulations requiring taxicab owners to convert to an all-hybrid fleet.</p>

## *California v. General Motors Corp.*

Name and Date	Description
<u><i>California v. General Motors Corp.</i></u> (9 <sup>th</sup> Cir. June 19, 2009)	<p>On June 19, 2009, the California Attorney General's Office voluntarily dropped its appeal to the Ninth Circuit to review the district court's dismissal of the state's public nuisance lawsuit against six major automobile companies. The lawsuit was filed in 2006 and alleged that the companies' cars were a substantial source of greenhouse gas emissions, which caused climate change, resulting in millions of dollars in damages to the state. In September 2007, the district court granted the companies' motions to dismiss, holding that the issues raised were "political questions" which were reserved for the President and Congress. The withdrawal contained a statement that recent policy changes by the Obama Administration indicated progress on certain related issues, specifically an increase in fuel economy standards and EPA's "endangerment finding" that greenhouse gases pose a threat to public health and welfare.</p>

## *Association of Irrigated Residents v. California Air Resources Board*

### Name and Date

### Description

*Association of Irrigated Residents v. California Air Resources Board*  
(S.F. Co. Sup. Ct., filed June 10, 2009)

Environmental justice advocates filed a lawsuit challenging the plan of the California Air Resources Board (CARB) to implement the Global Warming Solutions Act of 2006 (also known as AB 32). The complaint alleges that the plan fails to minimize greenhouse gas emissions and protect vulnerable communities as required by the Act. Plaintiffs also allege that CARB violated CEQA in approving the plan. The complaint seeks an injunction preventing implementation of the plan until CARB brings it into compliance with AB 32 and CEQA.

*Association of Irrigated Residents v. California Air Resources Board*  
(S.F. Co. Sup. Ct. Jan. 21, 2011)

A California Superior Court issued a tentative ruling that, if finalized, could set aside the California Air Resources Board's (CARB) certification of the scoping plan for implementing California's Global Warming Solutions Act, more commonly referred to as A.B. 32. In its ruling, the court concluded that CARB failed to adequately consider alternatives to cap-and-trade and other climate programs under the law. The court rejected plaintiffs' claims that the scoping plan failed to comply with the statutory requirements of A.B. 32 and that under the California Environmental Quality Act (CEQA), CARB was required to provide a detailed environmental analysis of each of the measures and programs prescribed by the scoping plan. However, the court accepted plaintiffs' claims that the analysis CARB provided was lacking facts and data to support the agency's conclusions in its environmental document.

*Association of Irrigated Residents v. California Air Resources Board*  
(Cal. Super. Ct. March 18, 2011)

A California state court issued an order enjoining the state from implementing its recently adopted GHG emissions cap-and-trade program pursuant to the state's Global Warming Solutions Act, more commonly referred to as A.B. 32. A blog entry describing the decision and its effect is available [here](#).

## *Animal Welfare Institute v. Beech Ridge Energy LLC*

Name and Date	Description
<u><i>Animal Welfare Institute v. Beech Ridge Energy LLC</i></u> (D. Md., filed June 10, 2009)	Opponents of a proposed wind farm in Greenbrier County, Maryland filed a lawsuit on June 10, 2009 in Maryland federal district court alleging that the proposed 124-windmill project will result in a “taking” of endangered Indiana bats in violation of the Endangered Species Act (ESA). The complaint alleges that the proposed project is located seven miles from the Lobelia Saltpeter Cave Preserve, a destination for hibernating and mating Indiana bats and that construction of the windmills is likely to result in deaths and injuries to the bats from turbine-bat collisions. The complaint seeks an injunction preventing construction of the windmills unless and until the project developers are granted permission to do so under the ESA.

## *Center for Biological Diversity v. Locke*

Name and Date	Description
<u><i>Center for Biological Diversity v. Locke</i></u> (N.D. Cal, filed May 28, 2009)	The Center for Biological Diversity and other nonprofit environmental groups filed a complaint against the Secretary of Commerce and the National Marine Fisheries Service alleging violations of the Endangered Species Act and the Administrative Procedure Act based on allegations that the habitat of the leatherhead and loggerhead sea turtles is being destroyed by climate change. In particular, the plaintiffs allege that government defendants failed to make a timely determination on petitions that the groups had filed in 2007 to designate certain areas as “critical habitats” and the two species of sea turtles as endangered. In 2007, the government determined that the petition was warranted but failed to make a final determination within the statute’s mandatory 12-month period.

## N.C. Waste Awareness & Reduction Network v. N.C. Dept. of Env. and Nat. Res.

Name and Date	Description
<p><u>North Carolina Waste Awareness &amp; Reduction Network v. North Carolina Dept. of Env. and Natural Resources</u> (N.C. Office of Adm. Hearings May 13, 2009)</p>	<p>An administrative law judge in the North Carolina Office of Administrative Hearings denied a power plant operator's motion to dismiss environmentalists' claims that state air regulators failed to consider carbon dioxide emissions in the air pollution permits issued to a proposed power plant in southwestern North Carolina in January 2009. The judge held that the petitioners had the right to demonstrate that carbon dioxide was a regulated pollutant under the New Source Review (NSR) provisions of the Clean Air Act.</p>

## *Western Watersheds Project v. Salazar*

Name and Date	Description
<u><i>Western Watersheds Project v. Salazar</i></u> (D. Idaho, May 7, 2009)	A federal district court in Idaho partially denied a motion to dismiss a lawsuit brought by an environmental group challenging 18 environmental impact statements prepared by the Bureau of Land Management (BLM) concerning resource management plans in six states for failing to consider the cumulative effects of, among other things, climate change. The court held that, in 16 of the statements, the plaintiffs were challenging a final agency action and thus they were ripe for review. In two of the statements, records of decisions had not been issued, thus no final agency action existed. The court also denied the government's motion to transfer the challenges to other federal courts given that they governed land outside Idaho, holding that the action was properly filed in Idaho given that several of the statements concerned land located in Idaho and there was no evidence of forum shopping.

## *Arizona Public Service Co. v. EPA*

Name and Date	Description
<u><i>Arizona Public Service Co. v. EPA</i></u> (10 <sup>th</sup> Cir. April 14, 2009)	The Tenth Circuit remanded to EPA part of a plan to reduce pollutants at a power plant in New Mexico, but it dismissed challenges from environmental groups and the plant's operator. At the request of EPA, which asked for an opportunity to clarify the requirements, the court remanded the part of the federal implementation plan that established control requirements for fugitive dust emissions at the Four Corners power plant on a Navajo reservation in northwestern New Mexico. The court also dismissed legal challenges from the Sierra Club and other environmental organizations and from the Arizona Power Service Co., operator of the power plant, which argued, respectively, that the federal plan was too weak and too restrictive.

## *WildEarth Guardians v. U.S. Forest Service*

Name and Date	Description
<u><i>WildEarth Guardians v. U.S. Forest Service</i></u> (D. Colo., filed Oct. 7, 2008)	Environmental groups sued the U.S. Forest Service, alleging that in an environmental impact statement concerning a coal mine, it failed to identify a reasonable range of alternatives to methane venting, as well as failing to identify measures that would mitigate the effects of the release of the methane and failing to analyze the climate change impacts of methane venting.
<u><i>WildEarth Guardians v. U.S. Forest Service</i></u> (10 <sup>th</sup> Cir. July 24, 2009)	The coal company sought to intervene in the case. The district court denied the motion. On appeal, the 10 <sup>th</sup> Circuit reversed, holding that the company demonstrated that the outcome of the case could potentially impair its interests and that its interests were not adequately represented by the Forest Service in the action.
<u><i>WildEarth Guardians v. U.S. Forest Service</i></u> (D. Col. April 1, 2010)	The environmental group brought a motion to compel certain administrative records in connection with the approval of the expansion. The district court held the records should be remanded to the U.S. Forest Service to include all materials directly and indirectly considered in its decision and that these records should be produced to the group.

## *Center for Biological Diversity v. Salazar*

Name and Date	Description
<u><i>Center for Biological Diversity v. Salazar</i></u> (N.D. Cal., June 3, 2010)	The U.S. Fish and Wildlife Service (FWS) agreed to complete proposed listings for six penguin species and a subgroup of a seventh under the ESA by early 2011 to protect them from the effects of climate change. The settlement requires the FWS by July 30, 2010 to publish determinations on five of the species, by September 30, 2010 on the other species, and by January 30, 2011 on the subspecies.

## *Sierra Club v. Jackson*

Name and Date	Description
<u><i>Sierra Club v. Jackson</i></u> (E.D. Kentucky, order signed Sept. 21, 2009)	EPA ordered Kentucky officials to set emissions standards for hazardous air pollutants for a coal-fired power plant as part of an agreement settling a lawsuit. Under the order, the Kentucky Division of Air Quality will be required to revise the operating permit issued to the plant to include a MACT standard for mercury and other air toxics. EPA issued the order as part of a consent decree with the Sierra Club. The decree required EPA to take action on a revised operating permit to be issued to the plant. In addition, EPA agreed to respond to the Sierra Club's other objections by November 30, 2009. Sierra Club had sued EPA, alleging that it failed to take any action on the operating permit for the plant within the time frame required by the CAA after EPA had ordered state officials to strengthen the permit's pollution control requirements.

## *Sierra Club v. Jackson*

Name and Date	Description
<p><u><i>Sierra Club v. Jackson</i></u> (W.D. Wis., proposed consent decree filed July 22, 2009)</p>	<p>In March 2009, the Sierra Club sued the EPA, alleging that the agency had failed to respond to the group's objections to the Title V operating permit issued to Wisconsin Power and Light for its generating station in Pardeeville. The group alleged that the permit violated the CAA because it did not have adequate emissions monitoring, reporting and recordkeeping requirements. Under a decree filed July 22, 2009, EPA will respond to the petition by September 18, 2009.</p>
<p><u><i>Sierra Club v. Jackson</i></u> (W.D. Wis., consent decree filed April 16, 2010)</p>	<p>EPA agreed to review a Sierra Club challenge to an operating permit issued for a coal-fired power plant in Wisconsin, settling a lawsuit filed by the Sierra Club. The lawsuit alleged that EPA failed to respond to the Sierra Club's petition raising objections to an operating permit issued to the plant by EPA.</p>
<p><u><i>Sierra Club v. Jackson</i></u> (W.D. Wis., consent decree filed June 29, 2010)</p>	<p>EPA agreed to review the Clean Air Act operating permit for a Wisconsin coal-fired power plant, settling a lawsuit brought by the Sierra Club. The Sierra Club sued EPA in March 2010 after the agency allegedly failed to respond to the group's petition raising objections to the permit issued to the plant. Under the terms of the decree, EPA was required to respond to the petition by August 10, 2010, or within 20 days of the agreement being finalized, whichever is later.</p>

## *Sierra Club v. Jackson*

Name and Date	Description
<u><i>Sierra Club v. Jackson</i></u> (D.D.C. July 20, 2010)	A federal court dismissed a lawsuit seeking to force EPA to stop the construction of three coal-fired power plants in Kentucky, holding that it lacked jurisdiction over the matter. The lawsuit alleged that because Kentucky's State Implementation Plan (SIP) under the Clean Air Act was out of date, EPA was required to stop the construction of new sources of air pollution. EPA claimed that its ability to intervene was discretionary and that federal courts lacked jurisdiction to force it to act in such cases. The district court agreed and dismissed the case.

## *Center for Biological Diversity v. EPA*

Name and Date	Description
<p><u><i>Center for Biological Diversity v. EPA</i></u> (D. Washington, filed May 14, 2009)</p>	<p>The Center for Biological Diversity filed suit against the EPA in federal court in Washington state, alleging that the agency failed to recognize the impacts of ocean acidification on waters off the state's coast. The suit was brought under the Clean Water Act, which requires states to identify water bodies that fail to meet water-quality standards. According to the Center, since 2000, the pH of Washington's coastal waters has declined by more than .2 units, which violates the state's water-quality standard for pH. The complaint states that carbon dioxide, which is absorbed by seawater, causes seawater to become more acidic, lowering its pH. This impairs the ability of certain marine animals to build protective shells and skeletons they need to survive.</p>
<p><u><i>Center for Biological Diversity v. EPA</i></u> (W.D. Wash. March 11, 2010)</p>	<p>In a proposed settlement, EPA agreed to consider issuing nationwide guidance under the Clean Water Act to help states deal with the threat of ocean acidification as part of a settlement of a lawsuit brought by the Center for Biological Diversity (CBD). Under the terms of the settlement, EPA will seek comments on approaches for states to determine if waters are threatened or impaired by ocean acidification and how states might help monitor ocean acidification and its effects on marine life and ecosystems.</p>

## *Center for Biological Diversity v. EPA*

Name and Date	Description
<u><i>Center for Biological Diversity v. EPA</i></u> (D.D.C., filed June 11, 2010)	Several environmental groups filed an action seeking to force EPA to regulate GHG emissions from aircraft, ships and non-road engines used in heavy industrial equipment. According to the complaint, these sources produce about a quarter of GHG emissions from mobile sources in the U.S. but have not yet been regulated by EPA.
<u><i>Center for Biological Diversity v. EPA</i></u> (D.D.C. April 11, 2011)	The court denied motions by two aviation associations to intervene in a lawsuit seeking an order requiring EPA to use its authority under the CAA to regulate GHGs from marine vessels, aircraft, and other nonroad vehicles, holding that the associations failed to establish Article III standing. The court determined that implementation and enforcement of new emission standards are too hypothetical and too far removed to constitute an impending causally connected injury for standing purposes, given that the plaintiffs are asking EPA to make an endangerment finding. The associations' alleged economic injury is based on the outcome of this determination, which is an issue not before the court.

## *Center for Biological Diversity v. EPA*

Name and Date	Description
<u><i>Center for Biological Diversity v. EPA</i></u> (D.C. Cir. May 28, 2010)	The Center for Biological Diversity filed a lawsuit challenging the schedule by which EPA plans to regulate GHG emissions from stationary sources, alleging that it constitutes an unlawful delay.

## *Southeastern Legal Foundation v. EPA*

Name and Date	Description
<p><u><i>Southeastern Legal Foundation v. EPA</i></u> (D.C. Cir., filed June 3, 2010)</p>	<p>A legal foundation, 14 House Republicans, and 15 businesses filed lawsuits challenging EPA's "tailoring" rule that requires only the largest new and modified sources of GHGs, such as power plants and refineries, to control their emissions. The lawsuits challenge EPA's ability under the Clean Air Act to exempt smaller sources from emissions control requirements. EPA's rule, which was published on June 3, is intended to shield small GHG emitters from emissions control requirements that will take effect on January 2, 2011. For six months, only new and modified sources already required to control emissions of other air pollutants will be required to control GHG emissions. After that period, only new sources with emissions exceeding 100,000 tons a year and modified existing sources with emissions above 75,000 per year will be required to control emissions.</p>
<p><u><i>Southeastern Legal Foundation v. EPA</i></u> (D.C. Cir., motions to intervene filed July 6, 2010)</p>	<p>Four conservation groups filed motions to intervene in a lawsuit against the EPA to defend the agency's decision not to exempt emissions from biomass energy production from control requirements for GHG emissions from new and modified stationary sources under the so-called "tailoring" rule. The groups are the Conservation Law Foundation, the Natural Resources Council of Maine, Georgia ForestWatch, and Wild Virginia.</p>
<p><u><i>Southeastern Legal Foundation v. EPA</i></u> (D.C. Cir., motions filed Sept. 15, 2010)</p>	<p>Industry groups seeking review of EPA's "tailoring rule" filed a motion seeking to stay the effectiveness of the regulations. Among other things, the petitioners contend that EPA's regulations violate the CAA and that they will irreparably harm petitioners and the economy.</p>

## *Southeastern Legal Foundation v. EPA*

Name and Date	Description
<u><i>Southeastern Legal Foundation v. EPA</i></u> (D.C. Cir., filed May 11, 2010)	Fourteen House Republicans, a nonprofit legal foundation, and several business groups sued EPA and the National Highway Traffic Safety Administration (NHTSA), challenging GHG emission limits and increased fuel economy standards for cars and light trucks. On May 7, 2010, NHTSA issued a rule that increases fuel economy for cars and light trucks from the current combined 25 miles per gallon to 35 miles per gallon by model year 2016. The case is one of several challenging the rule.
<u><i>Southeastern Legal Foundation v. EPA</i></u> (D.C. Cir., motion filed Sept. 15, 2010)	Industry groups, including the State of Texas, filed a motion seeking a stay of EPA's endangerment finding and its fuel economy standards for cars and light trucks. Among other things, the petitioners contend that EPA's regulations violate the CAA and that they will irreparably harm petitioners and the economy.

## *Coalition for Responsible Regulation v. EPA*

Name and Date	Description
<u><i>Coalition for Responsible Regulation v. EPA</i></u> (D.C. Cir., filed June 3, 2010)	A legal foundation, 14 House Republicans, and 15 businesses filed lawsuits challenging EPA's "tailoring" rule that requires only the largest new and modified sources of GHGs, such as power plants and refineries, to control their emissions. The lawsuits challenge EPA's ability under the Clean Air Act to exempt smaller sources from emissions control requirements. EPA's rule, which was published on June 3, is intended to shield small GHG emitters from emissions control requirements that will take effect on January 2, 2011. For six months, only new and modified sources already required to control emissions of other air pollutants will be required to control GHG emissions. After that period, only new sources with emissions exceeding 100,000 tons a year and modified existing sources with emissions above 75,000 per year will be required to control emissions.
<u><i>Coalition for Responsible Regulation v. EPA</i></u> (D.C. Cir., motion filed Sept. 15, 2010)	Industry groups seeking review of EPA's "tailoring rule" that limits GHG regulation to large stationary sources filed a motion seeking to stay the effectiveness of the regulations. Among other things, the petitioners contend that EPA's regulations violate the CAA and that they will irreparably harm petitioners and the economy.

## *Coalition for Responsible Regulation v. EPA*

Name and Date	Description
<p><u><i>Coalition for Responsible Regulation v. EPA</i></u> (D.C. Cir., filed May 7, 2010)</p>	<p>A coalition of industry groups sued EPA, challenging the final rule that sets limits on GHG emissions from cars and light trucks. That same day, the NHTSA issued a rule that increases fuel economy for cars and light trucks from the current combined 25 miles per gallon to 35 miles per gallon by model year 2016.</p>
<p><u><i>Coalition for Responsible Regulation v. EPA</i></u> (D.C. Cir., motion filed June 17, 2010)</p>	<p>On June 17, 2010, 13 states, New York City, and two other groups (NRDC and the Association of International Automobile Manufacturers) filed motions to intervene on behalf of EPA in the case. The states which sought to intervene include California, Delaware, Illinois, Iowa, Maine, Maryland, Massachusetts, New Mexico, New York, Oregon, Pennsylvania, Rhode Island, Vermont, Washington.</p>
<p><u><i>Coalition for Responsible Regulation v. EPA</i></u> (D.C. Cir., motion filed Sept. 15, 2010)</p>	<p>Several petitioners, including the State of Texas, filed a motion seeking a stay of EPA's endangerment finding and its fuel economy standards for cars and light trucks. Among other things, the petitioners contend that EPA's regulations violate the CAA and that they will irreparably harm petitioners and the economy.</p>

## *Coalition for Responsible Regulation v. EPA*

Name and Date	Description
<u><i>Coalition for Responsible Regulation v. EPA</i></u> (D.C. Cir., filed April 2, 2010)	Mining and agriculture groups filed suit challenging an EPA rule that allows the agency to limit greenhouse gases emitted by power plants and other stationary sources starting in January 2011. The petition seeks court review of a March 29, 2010 EPA final action that said that the agency had completed its reconsideration of the December 18, 2008 memorandum entitled “EPA’s Interpretation of Regulations that Determine Pollutants Covered by Federal Prevention of Significant Deterioration (PSD) Permit Program”--the so-called Johnson memo. Pursuant to the final action, EPA not begin enforcing greenhouse gas limits for stationary sources until January 2, 2011, the same date it expects to begin enforcing similar limits for cars and light trucks.

## *Coalition for Responsible Regulation v. EPA*

Name and Date	Description
<u><i>Coalition for Responsible Regulation, Inc. v. EPA</i></u> (D.C. Cir., filed Dec. 23, 2009)	A beef industry group filed a petition challenging EPA's endangerment finding concerning greenhouse gases. Among other things, the petition alleges that the endangerment finding jeopardizes large farms' ability to remain competitive in the global marketplace and could force many farms to get permits to emit greenhouse gases or slow operations, which could force many out of business.

## *Chamber of Commerce v. EPA*

Name and Date	Description
<u><i>Chamber of Commerce v. EPA</i></u> (D.C. Cir., filed June 1, 2010)	The U.S. Chamber of Commerce filed a lawsuit challenging the schedule by which EPA plans to regulate GHG emissions from new and modified sources. On April 2, 2010, EPA published a final rule that set January 2, 2010 as the date on which it will begin to enforce emission control requirements for GHG emissions at major stationary sources.

## *Chamber of Commerce v. EPA*

Name and Date	Description
<u><i>Chamber of Commerce v. EPA</i></u> (D.C. Cir., filed Sept. 8, 2009)	The Chamber of Commerce and the National Automobile Dealers Association sued EPA in federal appeals court, challenging EPA's approval of limits on GHG emissions issued by California and adopted by 13 other states. On June 30, 2009, EPA announced that it had approved a Clean Air Act waiver for California to implement its own GHG emissions limits for vehicles. This followed an announcement by President Obama on May 19, 2009 that EPA and the National Highway Traffic Safety Administration will propose GHG emissions limits and new fuel economy standards for cars and light trucks that will mirror the California standards for model years 2012 and 2016. Under an agreement with EPA, California is free to enforce its standards from the 2009-11 model years.

## *Palm Beach Co. Env. Coalition v. Florida*

Name and Date	Description
<u><i>Palm Beach Co. Env. Coalition v. Florida</i></u> (S.D. Florida July 27, 2009)	An environmental nonprofit group filed suit in federal court challenging the construction of a natural gas pipeline for a proposed power plant. Among other things, the plaintiffs challenged the construction of the pipeline on the grounds that it violated NEPA, the CAA, and other federal statutes. The defendants moved to dismiss on various jurisdictional grounds, contending that the environmental group failed to fulfill the 60-day notice requirement for citizen suits required under the CAA and that the state was immune from suit under the Eleventh Amendment. The court dismissed the suit on these grounds.

## *Palm Beach Co. Env. Coalition v. Florida*

Name and Date	Description
<u><i>Palm Beach Co. Env. Coalition v. Florida</i></u> (S.D. Florida Nov. 18, 2008)	An environmental coalition brought an action against state and county officials which sought a temporary injunction against the construction of a coal-fired power plant on the grounds that the plant would emit over 12.5 million tons of GHGs and would “greatly exacerbate global warming.” The district court denied the motion, holding that the defendants had not been served with process, nor did the plaintiffs provide the federal defendants with the required 60 day notice of intent to sue. The court stated that even if the jurisdictional defects did not exist, it would still have denied the motion because plaintiffs did not show a substantial likelihood of success on the merits.

## *National Association of Manufacturers v. EPA*

Name and Date	Description
<u><i>National Association of Manufacturers v. EPA</i></u> (D.C. Cir., filed June 1, 2010)	An industry group filed a lawsuit challenging the schedule by which EPA plans to regulate GHG emissions from new and modified sources. On April 2, 2010, EPA published a final rule that set January 2, 2010 as the date on which it will begin to enforce emission control requirements for GHG emissions at major stationary sources.

## *Mirant Mid-Atlantic LLC v. Montgomery County*

Name and Date	Description
<u><i>Mirant Mid-Atlantic LLC v. Montgomery County</i></u> (D. Md., filed June 1, 2010)	An electric utility filed a lawsuit against Montgomery County, Maryland, challenging its new tax on local carbon dioxide emitters that effectively applies only to the utility's coal-fired power plant. The lawsuit contends that the tax constitutes a bill of attainder and that it violates the Fourteenth Amendment's guarantee of equal protection and the Eighth Amendment's ban on excessive fines. In May 2010, the county enacted a law that imposes a \$5-per-ton tax on carbon dioxide emissions from stationary sources emitting more than one million tons of carbon dioxide annually.
<u><i>Mirant Mid-Atlantic LLC v. Montgomery County</i></u> (D. Md. July 12, 2010)	The county moved to dismiss. The district court granted the motion in an unpublished decision, rejecting the plant's arguments that the tax violated the 14 <sup>th</sup> and 8 <sup>th</sup> Amendments. The plant has since appealed the decision to the 4 <sup>th</sup> Circuit.

## *Competitive Enterprise Institute v. NASA*

Name and Date	Description
<u><i>Competitive Enterprise Institute v. NASA</i></u> (D.D.C. May 27, 2010)	A free market advocacy group filed a lawsuit against NASA under the Freedom of Information Act seeking documents related to alleged errors in temperature readings and a scientist involved in the so-called “climategate” controversy.

## *The University of Virginia v. Attorney General of Virginia*

Name and Date	Description
<p><u><i>The University of Virginia v. Attorney General of Virginia</i></u> (Virginia Cir. Ct., filed May 27, 2010)</p>	<p>The University of Virginia filed a lawsuit objecting to the “civil investigative demands” served by the Virginia Attorney General on the University concerning five government grants received by a professor previously employed by the University who was involved in the so-called “climategate” controversy.</p>
<p><u><i>The University of Virginia v. Attorney General of Virginia</i></u> (Virginia Cir. Ct., Aug. 30, 2010)</p>	<p>A Virginia state court held that four of the five grants were issued by the federal government and thus the Attorney General could not question the professor regarding these grants. In addition, the court held that the document requests were not specific enough because they did not show sufficient reason to believe incriminating documents existed. With regard to the state grant, the court held that the Attorney General could question the professor about it.</p>
<p><u><i>The University of Virginia v. Attorney General of Virginia</i></u> (Virginia Sup. Ct. March 11, 2011)</p>	<p>The Virginia Supreme Court agreed to consider the Virginia Attorney General’s request for documents concerning the so-called “climategate” controversy concerning grant applications of a former University of Virginia climate change scientist.</p>

## *American Iron and Steel Institute v. EPA*

Name and Date	Description
<u><i>American Iron and Steel Institute v. EPA</i></u> (D.C. Cir., filed May 26, 2010)	A steel industry group and a steel company filed separate actions challenging a rule issued by EPA that will cover GHG emissions from new and modified stationary sources starting January 2, 2011. The lawsuits ask the court to review EPA's reconsideration of the so-called "Johnson memorandum" concerning the timing of the regulation of such sources.

## *GerdauAmeristeel US Inc. v. EPA*

Name and Date	Description
<u><i>GerdauAmeristeel US Inc. v. EPA</i></u> (D.C. Cir., filed May 26, 2010)	A steel company filed an action challenging a rule issued by EPA that will cover GHG emissions from new and modified stationary sources starting January 2, 2011. The lawsuits ask the court to review EPA's reconsideration of the so-called "Johnson memorandum" concerning the timing of the regulation of such sources.

## *Friends of the Earth v. EPA*

Name and Date	Description
<u><i>Friends of the Earth v. EPA</i></u> (D.C. Cir., filed May 25, 2010)	Several environmental organizations filed a lawsuit challenging an EPA final rule that established criteria for determining which biofuels meet the renewable fuels standard. The lawsuit alleges that the regulations would increase greenhouse gas emissions. Specifically, the lawsuit objects to provisions in the final rule which said that most corn-based ethanol would reduce GHG emissions over its lifetime. To qualify as renewable, a fuel must reduce life-cycle GHG emissions by at least 20 percent compared with gasoline. The rule implements provisions of the Energy Independence and Security Act and required EPA to analyze indirect emissions arising from farmers' converting forests to cropland overseas due to food shortages resulting from using corn and other food grains for energy in the U.S.

## *National Chicken Council v. EPA*

Name and Date	Description
<u><i>National Chicken Council v. EPA</i></u> (D.C. Cir., filed May 25, 2010)	A coalition of meat industry groups filed lawsuit challenging EPA criteria for determining which biofuels meet the U.S. renewable fuels standard. The meat industry lawsuit objected to provisions in the rule that deem some ethanol facilities at which construction commenced in 2008 and 2009 to be compliant with the standard. The final rule exempted ethanol produced from corn at facilities in or at which construction commenced before December 17, 2007 from the requirement that a renewable fuel must reduce life-cycle GHG emissions by at least 20 percent compared with gasoline. In the final rule, EPA extended the exemption to ethanol produced at facilities that use natural gas or biofuels as an energy source at which construction began before December 31, 2009.

## *Pinnacle Ethanol v. EPA*

Name and Date	Description
<u><i>Pinnacle Ethanol v. EPA</i></u> (D.C. Cir., filed May 25, 2010)	A group of ethanol producers filed lawsuits challenging EPA criteria for determining which biofuels meet the U.S. renewable fuels standard. The final rule exempted ethanol produced from corn at facilities in or at which construction commenced before December 17, 2007 from the requirement that a renewable fuel must reduce life-cycle GHG emissions by at least 20 percent compared with gasoline. In the final rule, EPA extended the exemption to ethanol produced at facilities that use natural gas or biofuels as an energy source at which construction began before December 31, 2009.

## *Clean Air Implementation Project v. EPA*

Name and Date	Description
<u><i>Clean Air Implementation Project v. EPA</i></u> (D.C. Cir., filed May 17, 2010)	An association of companies in the petroleum, chemical, pharmaceutical, and glass sectors filed a petition for review of EPA's March 2010 decision that the Clean Air Act's Prevention of Significant Deterioration (PSD) permitting requirements would apply to GHG emissions from stationary sources. The petition alleges that PSD requirements can only apply to pollutants for which EPA has established air quality criteria under the National Ambient Air Quality Standards program of the Clean Air Act.

## *Northern Plains Res. Council, Inc. v. Montana Bd. of Land Commr's*

Name and Date	Description
<p><u><i>Northern Plains Resource Council, Inc. v. Montana Board of Land Commissioners</i></u> (Montana Dist. Ct., filed May 13, 2010)</p>	<p>A coalition of farmers and ranchers filed a lawsuit challenging the lease of 8,300 acres of state school trust land in southeastern Montana, alleging that it would become the country's largest new surface coal mine. Among other things, the lawsuit alleges that the lease should not have been exempted from environmental analysis under the Montana Environmental Policy Act given that the coal will emit 2.4 billion tons of GHGs.</p>
<p><u><i>Northern Plains Resource Council, Inc. v. Montana Board of Land Commissioners</i></u> (Montana Dist. Ct. Jan. 7, 2011)</p>	<p>A state court in Montana held that this and <a href="#">another lawsuit</a> may proceed against Montana's land board for leasing 8,300 acres of state-owned land for surface coal mining without an environmental review. The plaintiffs are seeking a declaratory judgment that the Montana Board of Land Commissioners violated the state constitution by failing to conduct an environmental review when it leased the land in southeastern Montana to a coal company in 2010. In 2003, an exemption from a provision of the Montana Environmental Policy Act was passed by the state legislature specifically to facilitate the lease. The exemption defers environmental review from the leasing stage to the later mine permitting stage. The plaintiffs allege that the exemption is unconstitutional and denies the land board its right to place mitigating conditions on the lease.</p>

## *Montana Env. Info. Center v. Montana Board of Land Commissioners*

Name and Date	Description
<p><u><i>Montana Environmental Information Center v. Montana Board of Land Commissioners</i></u> (Montana Dist. Ct., filed May 14, 2010)</p>	<p>Environmental groups filed a lawsuit challenging the lease of 8,300 acres of state school trust land in southeastern Montana, alleging that it would become the country's largest new surface coal mine. Among other things, the lawsuit alleges that the lease should not have been exempted from environmental analysis under the Montana Environmental Policy Act given that the coal will emit 2.4 billion tons of GHGs.</p>
<p><u><i>Montana Environmental Information Center v. Montana Board of Land Commissioners</i></u> (Montana Dist. Ct. Jan. 7, 2011)</p>	<p>A state court in Montana held that this and <a href="#">another related lawsuit</a> may proceed against Montana's land board for leasing 8,300 acres of state-owned land for surface coal mining without an environmental review. The plaintiffs are seeking a declaratory judgment that the Montana Board of Land Commissioners violated the state constitution by failing to conduct an environmental review when it leased the land in southeastern Montana to a coal company in 2010. In 2003, an exemption from a provision of the Montana Environmental Policy Act was passed by the state legislature specifically to facilitate the lease. The exemption defers environmental review from the leasing stage to the later mine permitting stage. The plaintiffs allege that the exemption is unconstitutional and denies the land board its right to place mitigating conditions on the lease.</p>

## Friends of the Chattahoochee v. Georgia Dept. of Natural Resources

Name and Date	Description
<p><u>Friends of the Chattahoochee v. Georgia Dept. of Natural Resources</u> (Georgia Dept. of Adm. Hearings, filed May 10, 2010)</p>	<p>Several environmental groups filed court challenges to block the construction of two coal-fired power plants in Georgia. With respect to one of the plants, the petitions alleged that state regulators failed to classify the plants as a “major” source of air pollution, meaning that it would only have to meet a basic set of requirements as opposed to more stringent regulation. With respect to the other, the petitions alleged that it would harm water resources for downstream communities along the Oconee River while emitting harmful pollutants into the air.</p>
<p><u>Friends of the Chattahoochee v. Georgia Dept. of Natural Resources</u> (Georgia Dept. of Adm. Hearings April 19, 2011)</p>	<p>A state administrative judge in Georgia ruled that the Georgia Department of Natural Resources improperly issued a permit to operate a coal-fired power plant, concluding that some of the permit’s pollution limits were not enforceable. The judge remanded the case to the state agency, requiring it to re-examine the permit after finding that gaps in its monitoring and reporting requirements could leave some hazardous air pollutants unaccounted for. Specifically, the judge found that the methods approved by the agency for measuring certain pollutants were unlikely to produce reliable data, and the permit lacked any monitoring provisions for emissions from storage tanks, boilers, and other equipment at the plant. However, the judge upheld a majority of the other provisions in the permit over the objections of two environmental nonprofits.</p>

## *NRDC v. Bureau of Land Management*

Name and Date	Description
<u><i>NRDC v. Bureau of Land Management</i></u> (D.D.C., filed May 6, 2010)	Several environmental groups filed suit against the Bureau of Land Management , alleging that it failed to consider the environmental impact of its plan to authorize oil and gas development on more than three million acres of federal land in Wyoming, including its effect on climate change. The plan was approved in December 2008. According to the complaint, of the three million acres managed by the plan, only slightly more than 100,000 acres is closed to oil and gas drilling.

## *NRDC v. U.S. Army Corps of Engineers*

Name and Date	Description
<u><i>NRDC v. U.S. Army Corps of Engineers</i></u> (N.D. Ohio March 31, 2010)	Plaintiffs filed a lawsuit challenging a permit issued by the U.S. Army Corps of Engineers to a company to build a coal-to-liquid fuel plant in Ohio. Among other things, plaintiffs alleged that the Corps violated NEPA, the Clean Water Act, and the Administrative Procedure Act in issuing the permit. The Corps moved to dismiss. With respect to NEPA, the Corps limited its review to the filling of U.S. waters to construct the plant and issued a “finding of no significant impact” under NEPA. Consequently, it did not complete an environmental impact statement (EIS). Plaintiffs alleged that the Corps erred in limiting its scope of review and that it should have considered all of the environmental impacts of the project, including greenhouse gas emissions from the plant. The court disagreed, finding that the Corps properly conducted its review given that its jurisdiction was limited to review of U.S. waters and granted the motion to dismiss.

## *Communities for a Better Environment v. City of Richmond*

Name and Date	Description
<p><u><i>Communities for a Better Environment v. City of Richmond</i></u> (Cal. Sup. Ct., filed Sept. 4, 2008)</p>	<p>Three environmental groups sued Richmond, California over its decision to grant a subsidiary of Chevron permission to expand a local oil refinery, which the groups allege will emit at least 898,000 metric tons of greenhouse gases annually and disproportionately affect nearby minority communities. The groups allege that the city certified the environmental impact report without providing a specific plan for mitigating greenhouse gas emissions.</p>
<p><u><i>Communities for a Better Environment v. City of Richmond</i></u> (Contra Costa Co. Sup. Ct. June 5, 2009)</p>	<p>A state court in California held on June 5, 2009 that the City of Richmond's environmental impact report pursuant to the California Environmental Quality Act (CEQA) concerning a major expansion of an oil refinery in the City violated CEQA's greenhouse gas requirements. The court held that although the City identified a standard of no net increases in greenhouse gas emissions, it failed to identify any means of achieving that standard. In addition, the court held that the City improperly deferred its formulation of greenhouse gas mitigation measures until a future date. The court also found that the environmental impact report (EIR) failed to clearly state whether the expansion project will allow the refinery to process heavier crude oil than it is currently processing.</p>
<p><u><i>Communities for a Better Environment v. City of Richmond</i></u> (Cal. Ct. App. April 26, 2010)</p>	<p>A California state appellate court held that the EIR for upgrades to a refinery located in Richmond, California failed to consider the project's greenhouse gas emissions impacts as required under the California Environmental Quality Act (CEQA). The decision affirmed the June 2009 decision by the lower court that the environmental assessment fell short of the requirements of CEQA. The appellate court found that the EIR merely proposed a generalized goal of no net increase in greenhouse gas emissions and then set out vaguely described future mitigation measures. The court stated that greater specificity was required.</p>

## *Leavell v. New Mexico Environmental Improvement Board*

Name and Date	Description
<p><u><i>Leavell v. New Mexico Environmental Improvement Board</i></u> (D. N.M, filed Jan. 13, 2010)</p>	<p>Plaintiffs, which include state legislators, businesses, agricultural interests and others, filed a complaint seeking to stop state regulators from adopting a cap on greenhouse gas emissions, alleging that New Mexico's Environmental Improvement Board lacks statutory authority to consider or adopt an emissions cap. In April 2009, the New Mexico Environmental Improvement Board voted to classify greenhouse gas emissions as air pollutants under the New Mexico Air Quality Control Act and make them subject to rulemaking by the Board.</p>
<p><u><i>Leavell v. New Mexico Environmental Improvement Board</i></u> (N.M. Dist. Ct. April 13, 2010)</p>	<p>A New Mexico state court issued a preliminary injunction that halted state regulators' plans for regulations to cap greenhouse gas emissions. The injunction was requested by a group representing New Mexico legislators, as well as business, agricultural, and other interests.</p>
<p><u><i>New Energy Economy, Inc. v. Leavell</i></u> (Sup. Ct. N.M. June 7, 2010)</p>	<p>The New Mexico Supreme Court issued a ruling allowing the State Environmental Improvement Board to proceed with a rulemaking for GHG regulations. The court vacated a preliminary injunction issued in April 2010 by a lower court, holding that the injunction would harm the agency's ability to do its job. The court remanded the case to the State Environmental Improvement Board so it could resume public hearings on the proposed regulations.</p>
<p><u><i>New Energy Economy v. Shoobridge</i></u> (Sup. Ct. N.M. Nov. 10, 2010)</p>	<p>The New Mexico Supreme Court, reversing a lower court, held that a court may not intervene when the state legislature delegates authority to a state agency to promulgate rules and regulations before that agency has adopted such rules and regulations.</p>
<p><u><i>New Energy Economy v. Martinez</i></u> (Sup. Ct. N.M. Jan. 26, 2011)</p>	<p>The New Mexico Supreme Court held that Governor Susana Martinez's administration violated the state Constitution by blocking regulations designed to reduce the state's GHG emissions from being published as codified in the New Mexico State Register. The court issued a writ of mandamus against the state records administrator for failing to publish finalized regulations concerning a state cap on GHG emissions. Governor Martinez had imposed a 90-day delay in the implementation of the regulations to allow for a review to determine whether they were business friendly. This decision is discussed in more detail on CCCL's climate blog <a href="#">here</a>.</p>

## Sierra Club v. Southwest Washington Clean Air Agency

Name and Date	Description
<u>Sierra Club v. Southwest Washington Clean Air Agency</u> (Wash. Pollution Control Hearings Board April 19, 2010)	Several environmental groups filed an appeal with the Washington State Pollution Control Hearings Board challenging the Southwest Washington Clean Air Agency's issuance of an air permit to a coal-fired power plant. The Board rejected arguments that the air permit was required to establish emissions limitation and impose Reasonably Available Control Technology (RACT) requirements for carbon dioxide.

## *Central Valley Chrysler-Jeep, Inc. v. Goldstein*

Name and Date	Description
<u><i>Central Valley Chrysler-Jeep, Inc. v. Goldstein</i></u> (9 <sup>th</sup> Cir., motion to dismiss filed April 6, 2010)	The automobile industry voluntarily dismissed three lawsuits challenging California regulations to limit greenhouse gas emissions from vehicles. The lawsuits filed in Vermont and Rhode Island were challenging state enactments that adopted the California regulations. Automobile manufacturers had pledged to drop the lawsuits after the Obama administration finalized national greenhouse gas regulations and fuel economy standards. The Obama administration issued such final regulations on April 1, 2010.

## *Lincoln-Dodge, Inc. v. Sullivan*

Name and Date	Description
<u><i>Lincoln-Dodge, Inc. v. Sullivan</i></u> (D. R.I. Nov. 25, 2008)	Automobile manufacturers and associations, as well as a number of automobile dealers, commenced an action seeking a declaration that Rhode Island's GHG emission standards for new vehicles, based upon California's regulations, are preempted by the Clean Air Act and the Energy Policy and Conservation Act (EPCA). The defendants moved to dismiss on collateral estoppel grounds based on previous decisions in California and Vermont, both of which rejected identical CAA and EPCA preemption claims. The court granted the motion in part, holding that collateral estoppel applied to the manufacturers and associations given that they were parties to the Vermont and California cases. However, the court denied the motion with respect to the dealers given that they were not parties to these cases.
<u><i>Lincoln-Dodge, Inc. v. Sullivan</i></u> (D. R.I., motion to dismiss filed April 7, 2010)	The automobile industry voluntarily dismissed three lawsuits challenging California regulations to limit greenhouse gas emissions from vehicles. Automobile manufacturers had pledged to drop the lawsuits after the Obama administration finalized national greenhouse gas regulations and fuel economy standards. The Obama Administration issued such final regulations on April 1, 2010.

## *Green Mountain Chrysler-Plymouth-Dodge-Jeep v. Crombie*

Name and Date	Description
<p data-bbox="191 610 737 764"><u><i>Green Mountain Chrysler-Plymouth-Dodge-Jeep v. Crombie</i></u> (D. Vt., motion to dismiss filed April 7, 2010)</p>	<p data-bbox="863 610 1986 1105">The automobile industry voluntarily dismissed three lawsuits challenging California regulations to limit greenhouse gas emissions from vehicles. The lawsuits filed in Vermont and Rhode Island were challenging state enactments that adopted the California regulations. Automobile manufacturers had pledged to drop the lawsuits after the Obama administration finalized national greenhouse gas regulations and fuel economy standards. The Obama Administration issued such final regulations on April 1, 2010.</p>

## Virginia v. EPA

Name and Date	Description
<u>Virginia v. EPA</u> (D.C. Cir., filed April 15, 2010)	The attorneys general from Virginia and Alabama filed a motion seeking an order requiring EPA to reopen its December 2009 finding that greenhouse gas emissions from cars and light trucks endanger public health and welfare. The motion filed with D.C. Circuit seeks to compel EPA to hold public hearings on the science it used to back up the endangerment finding. The petition filed by the attorneys general contends that much of the science used to justify the finding is based on data from the Climate Research Unit at the United Kingdom's University of East Anglia and that the Unit sought to suppress information contradicting its conclusion that human emissions of greenhouse gases are causing climate change.

## [National Petrochemical and Refiners Association v. EPA](#)

Name and Date	Description
<p><u><a href="#">National Petrochemical and Refiners Association v. EPA</a></u> (D.C. Cir., filed March 29, 2010)</p>	<p>Two petroleum industry associations sued the EPA over provisions in a final rule requiring motor fuel producers to include certain percentages of renewable fuels in their products. EPA published the final rule on March 25, 2010, which changes EPA regulations to include renewable fuel requirements for motor fuels established by Energy Independence and Security Act (EISA) in 2007. The EISA requires the industry to supply 12.95 billion gallons of renewable fuel in 2010. EPA's final rule puts this requirement into EPA regulations retroactive to January 1, 2010. The associations are challenging these retroactive requirements.</p>
<p><u><a href="#">National Petrochemical and Refiners Association v. EPA</a></u> (D.C. Cir. Dec. 21, 2010)</p>	<p>The D.C. Circuit rejected a challenge by two petroleum industry associations to EPA requirements for blending renewable fuels, such as ethanol, in transportation fuels, agreeing with EPA that the EISA authorized the agency to establish mandates for fuel producers to blend renewable fuel into their products for the entire year. The court also held that the agency acted within the law when it set the requirement for biodiesel in 2010 by combining the requirements contained in the law for 2009 and 2010. The law required 500 million gallons of biodiesel in 2009 and 650 million gallons in 2010. The EPA rule combines the annual amounts, requiring 1.15 billion gallons in 2010.</p>
<p><u><a href="#">National Petrochemical and Refiners Association v. EPA</a></u> (D.C. Cir. April 22, 2011)</p>	<p>The D.C. Circuit rejected a petition for a rehearing <i>en banc</i>.</p>

## *Association of Taxicab Operators v. City of Dallas*

Name and Date	Description
<u><i>Association of Taxicab Operators v. City of Dallas</i></u> (N.D. Tex., filed April 15, 2010)	An organization representing taxicab operators in Dallas, Texas filed suit against the city alleging that a new ordinance giving preference to taxis that run on compressed natural gas is preempted by the Clean Air Act. The ordinance allows taxis running on compressed natural gas to automatically move to the front of the line in taxi queues at Dallas Love Field Airport. The same day the lawsuit was filed, the court granted the plaintiff's request for a temporary restraining order preventing the city from enforcing the ordinance.
<u><i>Association of Taxicab Operators v. City of Dallas</i></u> (N.D. Tex. Aug. 30, 2010)	On August 30, 2010, the court denied the organization's motion for a preliminary injunction, holding that the ordinance did not amount to a "standard" under Section 209(a) because it did not mandate quantitative emissions levels, establish manufacturer requirements, establish purchase requirements, mandate emissions control technology, or establish a penalty or fee system.

## *NRDC v. Michigan Dept. of Natural Resources and Environment*

Name and Date	Description
<p data-bbox="176 656 751 813"><u><i>NRDC v. Michigan Dept. of Natural Resources and Environment</i></u> (Mich. Cir. Court, filed March 25, 2010)</p>	<p data-bbox="858 656 1986 1003">NRDC and the Sierra Club filed a lawsuit in Michigan state court challenging an air permit issued by the Michigan Department of Natural Resources and Environment to a proposed coal-fired power plant. The complaint alleges that the proposed plant violates the Clean Air Act for, among other reasons, not regulating emissions of carbon dioxide from the plant and for rejecting cleaner energy alternatives.</p>

## [Connecticut v. American Electric Power Co.](#)

Name and Date	Description
<u><a href="#">Connecticut v. American Electric Power</a></u> (2d Cir. Sept. 16, 2009)	The Second Circuit vacated a lower court decision and reinstated a lawsuit by eight states and New York City against six large electric power generators that sought to limit the generators' GHG emissions by claiming that these emissions contributed to the public nuisance of climate change. In 2005, the district court dismissed the lawsuit, holding that the claims represented "non-judiciable political questions." The Second Circuit reversed, holding that although Congress has enacted laws affecting air pollution, none of those laws has displaced federal common law. The court stated that there may be a time where federal laws and regulations pre-empt the the field of common law nuisance, but that this had not yet occurred.
<u><a href="#">Connecticut v. American Electric Power Co.</a></u> (2d Cir. March 5, 2010)	The Second Circuit denied a motion for rehearing or a rehearing <i>en banc</i> concerning its September 2009 decision.
<u><a href="#">Connecticut v. American Electric Power Co.</a></u> (Sup. Ct., petition for cert. filed Aug. 2, '10)	Defendants filed a petition for certiorari with the U.S. Supreme Court to review the Second Circuit's September 2009 ruling.
<u><a href="#">Connecticut v. American Electric Power Co.</a></u> (Sup. Ct., petition for cert. filed Aug. 24, 2010)	On August 24, 2010, the federal government, appearing on behalf of one of the named defendants (Tennessee Valley Authority), filed a <a href="#">cert petition</a> also seeking to overturn the Second Circuit's decision. The <a href="#">brief</a> questioned whether the plaintiffs had standing to bring the lawsuit and whether recent actions by EPA to regulate GHG emissions supplant the reason given by the Second Circuit for allowing the case to proceed.
<u><a href="#">Connecticut v. American Electric Power Co.</a></u> (Sup. Ct., cert granted Dec. 6, 2010)	On Dec. 6, 2010, the U.S. Supreme Court granted certiorari. Justice Sotomayor recused herself; she had been on the Second Circuit panel that heard the argument below, though she had been promoted to the Supreme Court before the Second Circuit issued its ruling allowing the case to proceed.
<u><a href="#">Connecticut v. American Electric Power Co.</a></u> (Sup. Ct., TVA brief filed Jan. 31, 2011)	The federal government, on behalf of the Tennessee Valley Authority, asked the U.S. Supreme Court to overturn the Second Circuit decision allowing several states to continue with their public nuisance lawsuit against several utility companies for their GHG emissions. According to the government, courts should not adjudicate such general grievances absent statutory authority, particularly since EPA has begun regulating GHGs under the Clean Air Act. On February 7, 2011, the Supreme Court scheduled oral arguments in the case for April 19, 2011. A blog entry analyzing the claims raised by TVA and AEP in their briefs is available <a href="#">here</a> .
<u><a href="#">Connecticut v. American Electric Power Co.</a></u> (Sup. Ct., state briefs file March 11, 2011)	Several states and New York City filed a brief with the U.S. Supreme Court urging it to uphold the rights of states to sue power companies as a major contributor to climate change. The parties, who are respondents in the lawsuit, argued that the power companies are major contributors to climate change and are collectively responsible for ten percent of the nation's GHG emissions. A blog entry describing these arguments in more detail is available <a href="#">here</a> .

## *Jones v. Regents of the University of California*

Name and Date	Description
<u><i>Jones v. Regents of the University of California</i></u> (Cal. Ct. App. March 12, 2010)	Several individuals filed a petition in state court challenging the certification of an environmental impact report (EIR) issued pursuant to the California Environmental Quality Act (CEQA) regarding the renovation of the Lawrence Berkeley National Laboratory. The trial court held that the Board of Regents of the University of California violated CEQA by amending the EIR in response to public comments about greenhouse gas emissions without recirculating the final EIR for public review. On appeal, the appellate court reversed, holding that a lead agency was not required to provide an opportunity for the public to review a final EIR.

## *Powder River Basin Resource Council v. Wyoming Dept. of Env. Quality*

Name and Date	Description
<u><i>Powder River Basin Resource Council v. Wyoming Dept. of Env. Quality</i></u> (Wyoming March 5, 2010)	The Wyoming Supreme Court upheld the Wyoming Department of Environmental Quality's permit issued to a coal-fired power plant, holding that carbon dioxide is not subject to regulation under the Clean Air Act and therefore utility permits need not include CO2 limits. The Court held that such permits need only address pollutants "subject to regulation" under the Clean Air Act and that carbon dioxide is not currently subject to such regulation.

## *Citizens for Environmental Inquiry v. Dept. of Environmental Quality*

Name and Date	Description
<u><i>Citizens for Environmental Inquiry v. Dept. of Environmental Quality</i></u> (Mich. Ct. App. Feb. 9, 2010)	A state appellate court in Michigan upheld a lower court's finding that the Michigan Department of Environmental Quality is not required to promulgate rules regulating carbon dioxide emissions. In 2008, Citizens for Environmental Inquiry sued the Department, seeking to force it to issue rules regarding carbon dioxide emissions with respect to the construction of a power plant. In rejecting the challenge, the Court held that the group did not have standing-- <i>i.e.</i> that it did not demonstrate that it would suffer harm as a result of the construction of the plant beyond what would be experienced by the public at large.

## *Sierra Club v. Clinton*

Name and Date	Description
<p><u><i>Sierra Club v. Clinton</i></u> (D. Minn. Feb. 3, 2010)</p>	<p>A coalition of environmental groups commenced an action alleging that several federal agencies violated NEPA concerning the permitting of the Alberta Clipper Pipeline, which, when built, will run from Alberta, Canada to Wisconsin. The pipeline will transport heavy crude oil extracted from tar sands in Canada. Among other things, plaintiffs alleged that the State Department violated NEPA by issuing an environmental impact statement (EIS) did not address impacts of increased greenhouse gas emissions. The coalition moved for a preliminary injunction concerning the permitting of the Alberta Clipper Pipeline. The court denied the motion, holding that the EIS adequately addressed impacts concerning the possible effects of the pipeline on climate change and thus that plaintiffs did not show a substantial probability of success necessary to obtain a preliminary injunction.</p>
<p><u><i>Sierra Club v. Clinton</i></u> (D. Minn. Feb. 24, 2010)</p>	<p>The defendants moved to dismiss. The court denied the motion, holding that the EIS prepared by the State Department constituted a final agency action that was reviewable under the Administrative Procedure Act and that the allegations that the EIS did not sufficiently address indirect and cumulative impacts of the project on climate change were sufficient to withstand a motion to dismiss.</p>
<p><u><i>Sierra Club v. Clinton</i></u> (D. Minn. Oct. 19, 2010)</p>	<p>A district court dismissed with prejudice a lawsuit brought by environmental groups against the United States seeking to halt construction of a pipeline extending from Alberta, Canada to Wisconsin. The court held that the EIS supported the need for the pipeline. In addition, the court held that the Canadian oil sands were being developed separately from the pipeline and, thus, there was an insufficient causal relationship between the pipeline and the oil sands such that the EIS was not deficient in its failure to consider the transboundary impacts of increased greenhouse gases caused by increased exploitation of the tar sands.</p>

## *Amigos Bravos v. U.S. Bureau of Land Management*

Name and Date	Description
<u><i>Bravos v. Bureau of Land Management</i></u> (D. N.M., filed Jan. 21, 2009)	Plaintiffs, represented by the Western Environmental Law Center, filed suit in New Mexico federal court alleging that a 2008 grant by the Bureau of Land Management (BLM) of 92 oil and gas leases in New Mexico violated federal law by failing to address GHG emissions. The complaint also alleges that BLM failed to adopt policies designed to make drilling more efficient. Plaintiffs allege that BLM's grants of the leases were improper under the Federal Land Policy and Management Act, the Mineral Leasing Act, the National Environmental Policy Act (NEPA), and a 2001 order by the Department of the Interior. Plaintiffs base their standing to sue on the alleged impairment of their use and enjoyment of lands affected by the leases.
<u><i>Amigos Bravos v. U.S. Bureau of Land Management</i></u> (D. N.M. Feb. 9, 2010)	The court denied BLM's motion to dismiss.

## *Center for Biological Diversity v. Town of Yucca Valley*

Name and Date	Description
<p><u><i>Center for Biological Diversity v. Town of Yucca Valley</i></u> (Cal. Sup. Ct. San Bernardino Co. May 15, 2009)</p>	<p>A California state court overturned a town's approval of a 185,000 square foot Wal-Mart Supercenter near Joshua Tree National Park, holding that an environmental impact review pursuant to the California Environmental Quality Act (CEQA) did not take into account the impacts of the project's projected greenhouse gas emissions. The court found that the review violated CEQA because it did not provide evidence that the proposed store complied with strategies to reduce climate change as required by state law. The court ordered the town to revise its environmental impact review to include an analysis of climate change impacts from the proposed store and ways to mitigate greenhouse gas emissions.</p>
<p><u><i>Center for Biological Diversity v. Town of Yucca Valley</i></u> (Cal. Sup. Ct. March 5, 2010)</p>	<p>Wal-Mart entered into a settlement whereby it agreed to install rooftop solar systems and take other steps to reduce the carbon footprint of their stores in a settlement resolving two lawsuits filed by CBD. The retailer agreed to installing a rooftop solar system of at least 250 kW each at three proposed stores, to build state-of-the-art energy efficiency measures into the design of each of the planned stores, to conduct an audit to measure the energy efficiency of refrigeration units in existing stores in California, and to contribute \$120,000 to the Mojave Desert Land Trust for land conservation purposes. As part of the settlements, both cases were dismissed.</p>

## *Montana Environmental Information Center v. Bureau of Land Management*

Name and Date	Description
<u><i>Montana Environmental Information Center v. Bureau of Land Management</i></u> (D. Montana March 18, 2010)	The Bureau of Land Management (BLM) agreed to a settlement with several environmental organizations concerning its alleged duty under NEPA to consider the climate impacts of oil and gas leasing decisions. According to the settlement, BLM will immediately suspend 61 oil and gas leases it issued covering more than 30,000 acres in Montana. During the suspension, BLM will review its obligations under NEPA. The plaintiffs commenced the lawsuit in January 2009, alleging that BLM violated NEPA, the Federal Land Policy and Management Act, the Mineral Leasing Act, and an Interior Department Secretarial Order which allegedly requires all Department of Interior agencies to conduct climate analyses in parallel with planning and decision making.

# *Center for Biological Diversity v. Dept. of Interior*

Name and Date	Description
<u><i>Center for Biological Diversity v. Dept. of Interior</i></u> (N.D. Cal., filed March 9, 2010)	CBD filed a complaint against the Department of the Interior, alleging that it has missed the deadline mandated by the Endangered Species Act to make a final determination listing seven penguin species as endangered or threatened because of climate change. In December 2008, the Fish and Wildlife Service recommended endangered status for the African penguin and threatened status for the yellow-eyed penguin, the white-flipped penguin, the Fiorland crested penguin, the erect-crested penguin, the Humboldt penguin and a portion of the range of the southern rockhopper penguin. According to the complaint, the federal government had one year from this date to reach a final decision pursuant to the Endangered Species Act.

# *Center for Biological Diversity v. Dept. of Interior*

Name and Date	Description
<p data-bbox="109 418 709 638"><u><i>Center for Biological Diversity v. U.S. Department of Interior</i></u> (D.C. Cir. April 17, 2009)</p>	<p data-bbox="753 418 1976 1321">The District of Columbia Circuit Court of Appeals held that the U.S. Supreme Court's decision in <i>Massachusetts v. EPA</i> does not grant standing to citizens to sue on the merits of their climate claims. CBD challenged a leasing plan for oil and gas development on the Outer Continental Shelf in the Beaufort, Bering and Chukchi Seas off the coast of Alaska, alleging that the Department of Interior failed to consider the climate change impacts of the plan under NEPA. The court held that CBD's NEPA claims were unripe and did not rule on the substantive standing issue. However, it included a lengthy discussion on standing in the ruling, stating that CBD only had standing to bring procedural rather than substantive climate claims. The court found that CBD failed to show that the harm from climate change caused by leasing was actual or imminent and failed to show that the generalized harm of climate change would hurt its members more than the rest of the population. In addition, the court found that CBD failed to show how the leasing would be a proximate cause of climate change.</p>

# *Center for Biological Diversity v. Dept. of Interior*

Name and Date	Description
<u><i>Center for Biological Diversity v. Department of Interior</i></u> (D.D.C. Jan. 15, 2009)	CBD filed suit against six federal agencies alleging that they failed to protect endangered species from climate change. The lawsuit alleges that the federal agencies failed to respond to a petition filed by CBD in 2007 seeking a federal conservation plan for species that were threatened by climate change. The petition asked the agencies for, among other things, a review of all threatened, endangered, and candidate species to determine which are threatened by climate change; a review of all federal recovery plans to ensure endangered species are able to adapt to a warming environment; a requirement for all federal agencies to implement endangered species recovery plans; and a review of the climate change contribution of all federal projects and mitigation of impacts on imperiled species.

## *Judicial Watch v. Dept. of Energy*

Name and Date	Description
<u><i>Judicial Watch v. Dept. of Energy</i></u> (D. D.C., filed Feb. 18, 2010)	A government watchdog group filed a Freedom of Information Act (FOIA) lawsuit against the Department of Energy and the EPA seeking documents related to White House “climate czar” Carol Browner’s part in crafting U.S. climate policy. The group asked the agencies to turn over records of any communication, contact or correspondence between Browner and the Dept. of Energy or EPA pertaining to White House negotiations with the auto industry and the State of California on fuel standards and auto emissions standards between January 20, 2009 and June 1, 2009, and additional negotiations pertaining to a proposed cap-and-trade scheme to limit greenhouse gas emissions from between June 2009 and October 2009.

## *Center for Biological Diversity v. City of Perris*

Name and Date	Description
<u><i>Center for Biological Diversity v. City of Perris</i></u> (Cal. Ct. App. March 5, 2010)	Wal-Mart agreed to install rooftop solar systems and take other steps to reduce the carbon footprint of their stores in a settlement resolving two lawsuits filed by CBD. The retailer agreed to installing a rooftop solar system of at least 250 kW each at three proposed stores, to build state-of-the-art energy efficiency measures into the design of each of the planned stores, to conduct an audit to measure the energy efficiency of refrigeration units in existing stores in California, and to contribute \$120,000 to the Mojave Desert Land Trust for land conservation purposes. The lawsuits alleged that the cities which approved the stores violated the California Environmental Quality Act (CEQA) by not taking into account the greenhouse gas impacts of planned stores. As part of the settlements, both cases were dismissed.

## *Sierra Club v. U.S. Army Corps of Engineers*

Name and Date	Description
<u><i>Sierra Club v. U.S. Army Corps of Engineers</i></u> (W.D. Ark., filed Feb. 11, 2010)	The Sierra Club and three chapters of the Audubon Society filed suit against the U.S. Army Corps of Engineers, seeking an injunction to halt construction of a planned 600 megawatt power plant in Hempstead County, Arkansas. The plaintiffs allege that the Corps violated NEPA and the Clean Water Act when it issued the permit allowing the company to take water from the Little River and fill wetlands during project construction.
<u><i>Sierra Club v. U.S. Army Corps of Engineers</i></u> (W.D. Ark. Oct. 24, 2010)	A federal court in Arkansas granted the Sierra Club's request for an injunction that would prevent a coal-fired power plant, holding that it and other plaintiffs made a sufficient showing that environmental damage was likely to occur. The permit would have allowed the company to fill in eight acres of wetlands, divert large amounts of water from the Little River, and build three new power lines.
<u><i>Sierra Club v. U.S. Army Corps of Engineers</i></u> (W.D. Ark. Nov. 2, 2010)	A federal court refused to grant a company constructing a power plant a stay of an October 2010 preliminary injunction blocking construction of the plant.

## *Sierra Club v. U.S. Army Corps of Engineers*

Name and Date	Description
<u><i>Sierra Club v. U.S. Army Corps of Engineers</i></u> (W.D. Ark., filed July 16, 2010)	Several environmental groups filed a lawsuit against the U.S. Army Corps of Engineers, alleging that the agency approved a proposed coal-fired power plant without issuing an environmental impact statement under NEPA. In May 2010, the Arkansas Supreme Court reversed the Arkansas Public Service Commission's decision to allow a \$1.6 billion power plant to be built by American Electric Power Co. (AEP), holding that the Commission had incorrectly determined the need for the power plant. Specifically, the court found that the Commission assessed the need for a plant in a proceeding that was separate from the main proceeding in violation of state law (see <a href="#">Hempstead Co. Hunting Club v. Arkansas Public Service Comm.</a> (Arkansas May 13, 2010)). The company is attempting to complete the plant so it can sell power to Louisiana and Texas.

## *Center for Biological Diversity v. Kempthorne*

Name and Date	Description
<u><i>Center for Biological Diversity v. Kempthorne</i></u> (N.D. Cal. Aug. 13, 2008)	The court granted the motions of two industry groups to intervene in a case challenging the Department of Interior's decision to list the polar bear as "threatened" rather than "endangered." The court limited the participation of both groups to issues in which they have a concrete interest.
<u><i>Center for Biological Diversity v. Kempthorne</i></u> (N.D. Cal. Nov. 18, 2008)	Several other industry groups moved to intervene in the case. The plaintiffs did not challenge the motions, but requested that the intervenors' involvement in the case be subject to certain limitations. The court held that the groups could intervene with respect to the plaintiffs' ESA claims challenging DOI's decision to classify the polar bear as a threatened species, but not with respect to plaintiffs' claim that DOI did not comply with NEPA or the Administrative Procedure Act in doing so.

## *Center for Biological Diversity v. Kempthorne*

Name and Date	Description
<u><i>Center for Biological Diversity v. Kempthorne</i></u> (D. Alaska Jan. 8, 2010)	A federal court in Alaska upheld a rule by the U.S. Department of the Interior (DOI) that allows the incidental take of polar bears and Pacific walrus during oil and gas exploration in Alaska's Chukchi Sea. The court dismissed the lawsuit brought by the Center for Biological Diversity (CBD) seeking to revoke the rule, holding that it was similar to another agency rule concerning Alaska's Beaufort Sea, which was recently upheld by the Ninth Circuit. The court concluded that DOI had properly considered the impact of climate change when it approved the removal of otherwise protected polar bears and walrus from oil and gas exploration sites in an Arctic body of water under U.S. jurisdiction.

## *Center for Biological Diversity v. Kempthorne*

Name and Date	Description
<u><i>Center for Biological Diversity v. Kempthorne</i></u> (9 <sup>th</sup> Cir. Dec. 2, 2009)	The Ninth Circuit held that companies exploring for oil and gas in the Beaufort Sea may accidentally disturb polar bears and Pacific walruses without violating federal law. The court held that the incidental take rules for the animals in and around the sea, which is on Alaska's north coast, were carefully and properly issued by the U.S. Fish and Wildlife Service in 2006. The court ruled that the climate change evidence presented by the Center for Biological Diversity (CBD) showed only a "generalized threat to polar bear populations" and did not show a significant impact.

## *Center for Biological Diversity v. Kempthorne*

Name and Date	Description
<u><i>Center for Bio. Diversity v. Kempthorne</i></u> (E.D. Cal. filed Aug. 19, 2008)	Conservation group sought protection for the American pika, a small member of the rabbit family, under both the federal and California's Endangered Species Act. The lawsuit against the California Fish and Game Commission challenges an April 2008 decision by the agency denying a request to list the pika as a "threatened" species under the state Act. The lawsuit against the Fish and Wildlife Service alleges that the federal agency did not issue a timely finding on the group's petition to list the pika as a "threatened" species under the federal Act.

## **Save the Plastic Bag Coalition v. City of Manhattan Beach**

<b>Name and Date</b>	<b>Description</b>
<u>Save the Plastic Bag Coalition v. City of Manhattan Beach</u> (Cal. App. 2 Dist. Jan. 27, 2010)	The City of Manhattan Beach issued a negative declaration under the California Environmental Quality Act (CEQA) in connection with an ordinance prohibiting certain retailers from providing plastic bags to customers. A coalition of retail groups commenced an action seeking to invalidate the ordinance. A state trial court vacated the ordinance pending an environmental impact report (EIR). On appeal, the appellate court affirmed, holding that the City should have prepared an EIR given that the ordinance could have a significant environmental impact.

## *Underwriter of Lloyd's of London v. NFC Mining, Inc.*

Name and Date	Description
<u><i>Underwriter of Lloyd's of London v. NFC Mining, Inc.</i></u> (E.D. Kentucky, Jan. 27, 2010)	A federal court held that Lloyd's of London does not have to defend or indemnify a Kentucky coal processing facility against most of the claims of a personal injury and property damage suit because the pollution exclusion of the insurance policy provides the insurer immunity from the underlying claims. The court held that the insurance company's duty to defend the plant extended only to bodily injuries and property damages caused by noise, but not with respect to punitive damages or damages to air, land or water.

## *San Luis & Delta-Mendota Water Authority v. Salazar*

Name and Date	Description
<p><u><i>San Luis Water Authority v. Salazar</i></u> (E.D. Cal., filed March 2, 2009)</p>	<p>Two water districts in California’s Central Valley filed suit challenging a U.S. Fish and Wildlife Service (FWS) biological opinion that was issued in December 2008 with respect to the delta smelt, an endangered fish. The lawsuit alleges that the biological opinion, which imposes restrictions on the pumping of Sacramento-San Joaquin River Delta water through the Central Valley, will put farmers out of business and do little to protect the delta smelt. Specifically, the lawsuit alleges that the FWS failed to consider the best available scientific data and was selective in its use of the data, as well as failing to assess the effects of the proposed restrictions as required under the Endangered Species Act. The pumping restrictions would cut water deliveries already reduced as a result of three years of dry weather.</p>
<p><u><i>San Luis &amp; Delta-Mendota Water Authority v. Salazar</i></u> (E.D. Cal., May 29, 2009)</p>	<p>The court granted a preliminary injunction in favor of the water authority to prevent until June 30 any federal river flow restrictions aimed at protecting the endangered Delta smelt. The order, which found that plaintiffs are likely to succeed on their claim that the opinion violates the National Environmental Policy Act, enjoins FWS from implementing “unnecessarily restrictive” flow restrictions under its biological opinion “unless and until” it considers the harm its decisions “are likely to cause humans, the community, and the environment.”</p>
<p><u><i>San Luis &amp; Delta-Mendota Water Authority v. Salazar</i></u> (E.D. Cal. Dec. 16, 2009)</p>	<p>Plaintiffs filed a motion seeking to supplement the administrative record to include scientific reports and articles concerning the fish and its habitat, including documents concerning climate change and the future of the species. The court denied the motion as to these documents.</p>

## *United States v. Sholtz*

Name and Date	Description
<u><i>United States v. Sholtz</i></u> (C.D. Cal. Dec. 15, 2009)	Two U.S. Congressmen filed suit to unseal pleadings in a criminal case concerning an alleged fraudulent pollution credit trading scheme carried out in the context of the Southern California Regional Clean Air Incentives Market. According to the Congressman, they sought the information to aid in Congress's consideration of federal cap and trade legislation and to shed light on the possibility of fraud in such a system. The court ordered the pleadings to be unsealed, but allowed the defendant to submit proposed redactions concerning private or privileged information.

## *WildEarth Guardians v. Jackson*

Name and Date	Description
<p><u><i>WildEarth Guardians v. Jackson</i></u> (D. Col, filed Jan. 13, 2010)</p>	<p>EPA agreed to review by March 25, 2010 the operating permit for a coal-fired power plant in Colorado pursuant to a proposed consent decree. The decree would resolve a lawsuit alleging that the agency failed to act in a timely manner with respect to objections filed by the plaintiff organization to the plant's operating permit for particulate matter and carbon monoxide.</p>
<p><u><i>WildEarth Guardians v. Jackson</i></u> (D. Col. Nov. 30, 2010)</p>	<p>The EPA agreed to respond to petitions objecting to Colorado's issuance of operating permits to three coal-fired power plants in Colorado. The proposed agreement would settle a lawsuit filed by WildEarth Guardians alleging that EPA failed to fulfill a Clean Air Act (CAA) mandate to respond within 60 days to the organization's objections to the permits.</p>
<p><u><i>WildEarth Guardians v. Jackson</i></u> (D. Col., settlement dated Jan. 10, 2011)</p>	<p>EPA finalized the settlement agreement whereby it agreed to respond to three administrative petitions submitted by WildEarth Guardians requesting that EPA object to Colorado's issuance of Clean Air Act permits to three coal-fired power plants. The consent decree settles a lawsuit filed by the group in July 2010 alleging that EPA failed to perform a duty mandated by the CAA to grant or deny the three petitions within 60 days. Pursuant to the terms of the settlement, EPA has agreed to respond to one petition by June 30, 2011, the second petition by September 30, 2011, and the third petition by October 31, 2011.</p>

## *United States v. Cinergy*

Name and Date	Description
<u><i>United States v. Cinergy</i></u> (S.D. Indiana, filed Dec. 22, 2009)	In a settlement, Duke Energy/Cinergy agreed to spend \$85 million to reduce air pollution at an Indiana power plant and pay a \$1.75 million civil penalty pursuant to a settlement to resolve violations of the Clean Air Act. The settlement is expected to reduce sulfur dioxide emissions at the plant by almost 35,000 tons every year. The company is also required to spend \$6.25 million on environmental mitigation projects. The settlement also requires the company to repower two of the operating units with natural gas or shut them down and to install new pollution controls for sulfur dioxide at the other two units.
<u><i>United States v. Cinergy</i></u> (7 <sup>th</sup> Cir. Oct. 12, 2010)	The Seventh Circuit reversed and remanded a lower court decision finding a coal-fired power plant in Indiana liable for making major modifications to the plant without first obtaining a permit from EPA in violation of the Clean Air Act. In a unanimous decision, the court held that the plant acted in accordance with Indiana's state implementation plan, which had been approved by EPA, when it made modifications between 1989 and 1992. The court held that the plant did not need a new source review permit to perform the modifications because the changes did not increase the plant's hourly emissions output as stipulated by the state's plan.

## *National Petrochemical & Refiners Association v. Goldstene*

Name and Date	Description
<u><i>National Petrochemical &amp; Refiners Association v. Goldstene</i></u> (E.D. Cal, filed Feb. 2, 2010)	Industry and business groups filed a lawsuit challenging California's low-carbon fuel standard, alleging that it violates the commerce clause of the U.S. Constitution because it interferes with interstate commerce. The California Air Resources Board adopted the standard in April 2009, which measures the level of greenhouse gas emissions associated with the production, distribution, and consumption of gasoline and diesel fuels and their alternatives. It is designed to cut the average carbon intensity of fuels by 10 percent over the next 11 years.
<u><i>National Petrochemical and Refiners Association v. Goldstene</i></u> (E.D. Cal. June 16, 2010)	A federal district court in California denied California's motion to dismiss a lawsuit challenging the state's low-carbon fuel standard, finding that the Clean Air Act does not grant California unfettered authority to regulate fuels. The lawsuit alleges that both the Commerce Clause and the Energy Independence and Security Act of 2007 preempt California's low-carbon fuel standard. The standard was adopted by the California Air Resources Board in 2009 and establishes a methodology for calculating the life-cycle emissions of all vehicle fuels. The standard is designed to reduce the average carbon intensity of fuels by 10 percent over the next 11 years.

**Center for Biological Diversity v. California Dept. of Forestry and Fire Protection**

Name and Date	Description
<p><u>Center for Biological Diversity v. California Dept. of Forestry and Fire Protection</u> (Cal. Superior Ct., filed Jan. 27, 2010)</p>	<p>CBD filed a lawsuit alleging that state forestry officials violated CEQA by approving a logging company's plan to clear-cut 5,000 acres of forests without properly analyzing the project's greenhouse gas impacts. The complaint alleges that state officials arbitrarily and unlawfully concluded that greenhouse gas emissions resulting from the logging projects would be minimal.</p>

## *Savoy Energy LLC v. New Mexico Institute of Mining and Technology*

Name and Date	Description
<p data-bbox="102 626 821 841"><u><i>Savoy Energy LLC v. New Mexico Institute of Mining and Technology</i></u> (D. Utah, filed Jan. 4, 2010)</p>	<p data-bbox="863 626 1965 1170">An energy company filed suit against the New Mexico University, alleging that the university fraudulently backed out of a \$10 million contract for the company to operate a Utah gas field as part of a government-sponsored carbon sequestration project. According to the complaint, the university used the company as a “stop-gap contractor” in order to maintain funding from the U.S. Department of Energy, which later awarded the project to the school. The complaint alleges that the university breached the contract between the entities given that the partnership could only be ended “for cause.”</p>

## *Rocky Mountain Farmers Union v. Goldstene*

Name and Date	Description
<u><i>Rocky Mountain Farmers Union v. Goldstene</i></u> (E.D. Cal., filed Dec. 23, 2009)	Industry and business groups filed a lawsuit challenging California's low-carbon fuel standard, alleging that it violates the commerce clause of the U.S. Constitution because it interferes with interstate commerce, specifically because it discriminates against products made in other states such as corn-based ethanol.
<u><i>Rocky Mountain Farmers Union v. Goldstene</i></u> (E.D. Cal. Jan. 14, 2011)	The plaintiffs subsequently moved for summary judgment. The defendants moved to deny or continue the motions pursuant to Federal Rule of Civil Procedure 56(d), seeking additional time to serve additional documents and interrogatories and to depose one additional individual. The district court granted the motion except as to one plaintiff and set a new discovery schedule.

## **American Chemistry Council v. EPA**

<b>Name and Date</b>	<b>Description</b>
<u><i>American Chemistry Council v. EPA</i></u> (D.C. Cir., filed Dec. 28, 2009)	An industry group filed a petition with the D.C. Circuit seeking review of EPA's ruling that certain emitters of greenhouse gases must report their emissions.
<u><i>American Chemistry Council v. EPA</i></u> (D.C. Cir., settlement dated July 20, 2010)	The parties settled the lawsuit, whereby EPA agreed to make changes to monitoring and reporting requirements sought by the Council for emissions from fluorinated GHG production.

## *Energy Recovery Council v. EPA*

Name and Date	Description
<u><i>Energy Recovery Council v. EPA</i></u> (D.C. Cir., filed Dec. 28, 2009)	An industry group filed a petition with the D.C. Circuit seeking review of EPA's ruling that certain emitters of greenhouse gases must report their emissions.
<u><i>Energy Recovery Council v. EPA</i></u> (D.C. Cir., settlement dated July 20, 2010)	The parties entered into a settlement agreement whereby EPA agreed to propose and finalize changes to reporting requirements for general stationary fuel combustion sources.

## *Fertilizer Institute v. EPA*

Name and Date	Description
<u><i>Fertilizer Institute v. EPA</i></u> (D.C. Cir., filed Dec. 29, 2009)	An industry group filed a petition with the D.C. Circuit seeking review of EPA's ruling that certain emitters of greenhouse gases must report their emissions.
<u><i>Fertilizer Institute v. EPA</i></u> (D.C. Cir., settlement dated July 20, 2010)	The parties entered into a settlement agreement where EPA agreed to modify monitoring and reporting requirements to the way GHG emissions from a plant are calculated.

## *Conservation Northwest v. Rey*

Name and Date	Description
<u><i>Conservation Northwest v. Rey</i></u> (W.D. Wash. Dec. 17, 2009)	A coalition of environmental groups filed a lawsuit challenging a plan prepared by the U.S. Forest Service concerning forest areas where the northern spotted owl is located. The plan covers 24.5 million acres of federal land in three states in the Northwest. The plan was amended in 2001 based on a 2000 supplemental environmental impact statement (SEIS). After the SEIS was challenged, a new SEIS was prepared in 2004, which was finalized in 2007 (FEIS). The FEIS was challenged on the grounds that it violated NEPA, including that it did not take the requisite “hard look” at the impact of increased logging on climate change and vice versa. The district court held that the agencies which prepared the FEIS were only obligated to disclose opposing viewpoints in the FEIS and explain their decision, which they did.

## *Utah Chapter of the Sierra Club v. Air Quality Board*

Name and Date	Description
<u><i>Utah Chapter of the Sierra Club v. Air Quality Board</i></u> (Utah Sup. Ct., Dec. 4, 2009)	The Utah Chapter of the Sierra Club and other groups challenged the Utah Air Quality Board's approval of an extension to a power plant's air pollution permit. The court found that the only documentation in state records concerning the review was a post-it not that someone was contacted regarding a review and held that this was "woefully inadequate" to convince a reasonable person that a review took place.

## *Center for Biological Diversity v. Lubchenco*

Name and Date	Description
<p><u><i>Center for Biological Diversity v. Lubchenco</i></u> (N.D. Cal., filed Sept. 3, 2009)</p>	<p>Two environmental organizations filed suit against the National Oceanic and Atmospheric Administration (NOAA) and other agencies based on their failure to list the ribbon seal as threatened because of climate change. On December 23, 2008, the NOAA rejected the Center's petition to list the species, stating that although the loss of sea ice looms as a problem for ribbon seals, it was likely that enough summer ice would remain in the seals' habitat such that population extinction was not a risk in the foreseeable future. The lawsuit alleged that the NMFS used an improperly truncated time frame of 43 years as the "foreseeable future" when determining that the ribbon seals' sea-ice habitat was expected to continuing forming annually for the foreseeable future, failed to consider whether there might be a distinct population segment of ribbon seals that should be listed, and failed to consider whether the seals might be threatened or endangered in a significant portion of their range.</p>
<p><u><i>Center for Biological Diversity v. Lubchenco</i></u> (N.D. Cal. Nov. 30, 2009)</p>	<p>The defendants moved to transfer the action to Alaska. The magistrate judge assigned to the case denied the motion, holding that local interests in Alaska did not outweigh the CBD's choice of forum in California.</p>
<p><u><i>Center for Biological Diversity v. Lubchenco</i></u> (N.D. Cal. Dec. 21, 2010)</p>	<p>After discovery, both sides moved for summary judgment. The district court granted the government's motion, holding that the agencies' decision was supported by the evidence and was not arbitrary or capricious.</p>

## *IndeckCornith v. Paterson*

Name and Date	Description
<p><u><i>Indeck Corinth v. Paterson</i></u> (Saratoga Co. Sup. Ct., filed Jan. 29, 2009)</p>	<p>Plaintiff, a 128-megawatt natural gas-fired cogeneration plant, sued New York to overturn the state regulations that implement the Regional Greenhouse Gas Initiative (RGGI). In its complaint, the company claims that the regulations are unconstitutional and were implemented without the necessary statutory authority from the state legislature. In addition, the lawsuit alleges that RGGI should be declared void because it was never approved by Congress and is therefore in violation of the Commerce Clause of the U.S. Constitution. The company's main claim is that, under the RGGI regulations, it is unable to pass through the costs for purchasing CO2 allowances because it is obligated to a long-term fixed-price contract for electricity with Consolidated Edison.</p>
<p><u><i>Indeck Cornith v. Paterson</i></u> (N.Y. Sup. Ct., settled Dec. 23, 2009)</p>	<p>A settlement was reached concerning a lawsuit that had been brought by a New York power company against several New York State agencies concerning the state's implementation of the Regional Greenhouse Gas Initiative (RGGI). According to NYSERDA and DEC, the settlement leaves intact the mechanisms to achieve the goals of the RGGI program. Under the settlement, the plaintiff company will withdraw the lawsuit and in return Con Edison will pay the company and other power producers for the amount of pollution allowances that they do not receive directly from DEC from a pool of allowances that were set aside under the regulations for qualifying power generators bound by long-term contracts. In addition, NYSERDA will allot a portion of the RGGI proceeds to offset Con Edison's costs.</p>

## *Sierra Club v. EPA*

Name and Date	Description
<u><i>Sierra Club v. EPA</i></u> (D.C. Cir, filed Dec. 7, 2009)	A coalition of environmental advocates filed a lawsuit to force the EPA to reconsider performance standards for coal preparation and processing facilities and require fugitive coal dust controls. The lawsuit alleges that EPA failed to require the facilities to take additional steps to prevent fugitive dust emissions from roadways as required by the Clean Air Act. The lawsuit also challenges EPA's decision not to require that the facilities' fugitive dust control plans be reviewed and approved by state or federal permitting authorities.

## *Sierra Club v. EPA*

Name and Date	Description
<u><i>Sierra Club v. EPA</i></u> (D.D.C. June 8, 2009)	<p>The federal court reviewing a lawsuit filed by the Sierra Club against EPA over a permit for a coal-fired power plant entered an order June 8, 2009 rejecting a motion to dismiss and sending the lawsuit to federal district court in Kentucky for further proceedings. The court rejected an EPA motion to dismiss Sierra Club's lawsuit over a new generating unit in Maysville, Kentucky and ordered the lawsuit transferred to the U.S. District court for the Eastern District of Kentucky. In August 2006, the Sierra Club petitioned EPA to object to a Title V operating permit for the proposed new generating unit. In August 2007, EPA objected to the permit. Kentucky proposed a revised permit in March 2008. The Sierra Club sued EPA in September 2008, alleging that the agency had failed to perform a mandatory duty to rule on the proposed permit.</p>

## *Sierra Club v. EPA*

Name and Date	Description
<u><i>Sierra Club v. EPA</i></u> (D.C. Cir., filed Jan. 15, 2009)	The Sierra Club and other environmental groups filed a lawsuit in the District of Columbia Circuit Court of Appeals challenging a memo issued by EPA Administrator Stephen Johnson stating that power plants and other major industrial sources do not need to limit CO2 emissions.

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## *Sierra Club v. EPA*

Name and Date	Description
<u><i>Sierra Club v. EPA</i></u> (11th Cir. Sept. 2, 2008)	The 11th Circuit held that the EPA did not violate the Clean Air Act when it refused to object to the issuance of state air pollution permits from Georgia regulators covering two coal-fired power plants, concluding that EPA had wide discretion in overseeing state regulators who issue operating permits under Title V. Both plants maintained for years that they were exempt from prevention of significant deterioration (PSD) requirements under the 1997 CAA amendments. Sierra Club argued that, given the fact that EPA issued a violation notice to the plants in 1997, it should have objected in 2004 when the plants sought to renew operating permits that omitted any PSD requirements.

## *United States v. DeChristopher*

Name and Date	Description
<u><i>United States v. DeChristopher</i></u> (D. Utah Nov. 16, 2009)	A federal court in Utah held that an individual will not be allowed to present the “necessity defense” in a criminal proceeding. The individual was indicted for submitting several bids for oil and gas drilling leases on federal land that he did not intend to pay for. He argued that he did so to prevent the leases from being used in a way that would worsen the effects of climate change. The court held that the government’s motion <i>in limine</i> to prevent the individual from using the defense should be granted because the individual did not meet the criteria for allowing such a defense.

## *Center for Biological Diversity v. California Fish and Game Commission*

### **Name and Date**

### **Description**

*Center for Biological Diversity v. California Fish and Game Commission*  
(Cal. Sup. Ct., filed Oct. 28, 2009)

CBD filed a lawsuit challenging the California Fish and Game Commission's rejection of its petition to protect the American pika under the California Endangered Species Act. The complaint alleges that the Commission ignored scientific evidence showing that climate change pose a threat to the pika, a hamster-like mammal that lives near mountain peaks in the western U.S. On October 1, 2009, the Commission finalized a decision that found that listing the pika as endangered or threatened was unwarranted. In May 2009, the same court found that the Commission had applied the wrong legal standard in rejecting the CBD's petition in 2008 and ordered it to reconsider the request.

*Center for Biological Diversity v. California Fish and Game Commission*  
(Cal. Sup. Ct. Oct. 19, 2010)

For the second time, a state court ordered California's Fish and Game Commission to study whether the America pika has become endangered under California's Endangered Species Act because of climate change, holding that the Commission improperly refused to consider new scientific studies since environmental groups first petitioned for the species' protection.

*Center for Biological Diversity v. California Fish and Game Commission*  
(Cal. Ct. App. April 8, 2011)

An appellate court reversed a lower court ruling awarding attorneys fees in the amount of \$258,000 to the plaintiffs. The underlying lawsuit concerned designation of the American pika under California's endangered species act. The appellate court held that the Center for Biological Diversity did not meet the definition of being "a successful party" under state law given that the remand was for a perceived procedural defect and resulted in no demonstrable substantive change in the agency's position.

## *Center for Biological Diversity v. California Fish and Game Commission*

Name and Date	Description
<p data-bbox="134 626 682 786"><u><i>Center for Bio. Diversity v. California Fish and Game Comm.</i></u> (Cal. Super Ct., filed Aug. 19, 2008)</p>	<p data-bbox="753 626 1976 1068">A conservation group sought protection for the American pika, a small member of the rabbit family, under both the federal and California's Endangered Species Act. The lawsuit against the California Fish and Game Commission challenges an April 2008 decision by the agency denying a request to list the pika as a "threatened" species under the state Act. The lawsuit against the Fish and Wildlife Service alleges that the federal agency did not issue a timely finding on the group's petition to list the pika as a "threatened" species under the federal Act.</p>

## *Chamber of Commerce v. Servin*

Name and Date	Description
<u><i>Chamber of Commerce v. Servin</i></u> (D. D.C., filed Oct. 26, 2009)	The U.S. Chamber of Commerce sued the individuals that make up the “Yes Men,” a comedic group that often parodies certain industry groups. On October 19, 2009, a press release from the group but purporting to be from the Chamber said that the Chamber was “throwing its weight behind strong climate legislation.” Numerous mainstream news outlets ran stories about the release, but later had to retract or correct the stories after the Chamber confirmed that the release was a hoax. In addition to the press release, the group staged a fake press conference. The suit demands that the group take down a website that mimics the Chamber’s site and seeks a ban on any further attempts by the group to impersonate the Chamber or any of its representatives.

## *Public Citizen v. Texas Commission on Environmental Quality*

Name and Date	Description
<p data-bbox="222 610 701 656"><u><i>Public Citizen v. Texas</i></u></p> <p data-bbox="138 667 789 712"><u><i>Commission on Environmental</i></u></p> <p data-bbox="390 724 537 769"><u><i>Quality</i></u></p> <p data-bbox="165 781 758 883">(Texas Dist. Ct., filed Oct. 6, 2009)</p>	<p data-bbox="863 610 1986 1105">A Texas environmental group filed a lawsuit seeking to force the Texas Commission on Environmental Quality to regulate GHGs when it approves new coal-fired power plants and other facilities in the state. The group alleged that existing Commission rules unlawfully eliminate all opportunity for people facing significant harm to present facts about climate change in permit proceedings on coal- and petroleum coke-fired power plants. The group seeks a judgment declaring Commission rules invalid under the federal Clean Air Act and the Texas Clean Air Act.</p>

## *American Petroleum Institute v. Kempthorne*

Name and Date	Description
<u><i>American Petroleum Institute v. Kempthorne</i></u> (D.D.C., filed Aug. 27, 2008)	Five business and industry trade groups seek to overturn one paragraph of an interim final rule meant to protect polar bears under the Endangered Species Act, alleging that the interim rule subjects operations in Alaska to stricter permitting and regulations than other states. The lawsuit does not challenge the Department of Interior's listing of the polar bear as threatened.

## *New York v. EPA*

Name and Date	Description
<p><u><i>New York v. EPA</i></u> (D.C. Cir., filed Aug. 25, 2008)</p>	<p>Twelve states, New York City and the District of Columbia allege that EPA violated the Act by declining to add greenhouse gas emissions to the new source performance standards for petroleum refineries. EPA declined to regulate greenhouse gas emissions from refineries when it issued the performance standards in June, saying that the pending rulemaking on regulating such gases under the Act would address whether emissions from refineries and other stationary sources should be regulated.</p>
<p><u><i>New York v. EPA</i></u> (D.C. Cir., settled Dec. 23, 2010)</p>	<p>EPA announced that it had reached agreements in two lawsuits to propose sector-wide GHG emissions controls for electric utilities and petroleum refineries. The agreements call for EPA to propose revisions to new source performance standards and emissions guidelines for the industries, which include limits on GHGs. The new source performance standards will apply to new and modified facilities, while the emissions guidelines will apply to existing facilities. Under the <a href="#">agreement</a> concerning electric power plants (<i>New York v. EPA</i>), EPA must propose the new standards by July 26, 2011 and finalize them by May 26, 2012. Under the <a href="#">agreement</a> with refineries (<i>American Petroleum Institute v. EPA</i>), EPA must propose the new standards by December 15, 2011 and finalize them by November 15, 2012.</p>

## *Sierra Club v. U.S. Department of Agriculture*

Name and Date	Description
<u><i>Sierra Club v. U.S. Department of Agriculture</i></u> (D.D.C., filed Oct. 16, 2007)	Plaintiffs challenged USDA's Rural Utilities Service's use of low-interest loans to finance the construction of new generating units at a coal-fired power plant in western Kansas, alleging that the agency did not prepare an environmental impact statement (EIS) for the plant and failed to analyze impacts of climate change and renewable energy alternatives.
<u><i>Sierra Club v. U.S. Department of Agriculture</i></u> (D.D.C. March 29, 2011)	The court granted a summary judgment motion by the Sierra Club, holding that USDA should have prepared an EIS concerning the USDA's Rural Utilities Service's use of low-interest loans to finance the construction of new generating units at a coal-fired power plant in western Kansas.

## *National Audubon Society v. Kempthorne*

Name and Date	Description
<u><i>National Audubon Society v. Kempthorne</i></u> (D. Alaska Sept. 25, 2006)	Plaintiffs challenged the Bureau of Land Management's final EIS that opened up land to oil and gas development, alleging that it did not analyze the effects of these activities on climate change. Court upholds EIS, holding that agency's methodology was reasonable and that plaintiff's affidavits did not contain any evidence of the cumulative effects of climate change.

## *National Environmental Advocates v. National Marine Fisheries Service*

Name and Date	Description
<u><i>National Environmental Advocates v. National Marine Fisheries Service</i></u> (9th Cir. Aug. 23, 2006)	The Ninth Circuit held that the U.S. Army Corps of Engineers' EIS associated with a project to dredge and deepen the Columbia River navigation channel was adequate. One judge dissents, stating that the Corps' analysis of the salinity impacts of the project was deficient because it did not contain any analysis of the impacts of climate change on the Pacific Ocean and Columbia River and how this would affect salinity.

## *Friends of the Earth v. Watson*

Name and Date	Description
<u><i>Friends of the Earth v. Watson</i></u> (N.D. Cal. Aug. 23, 2005)	A federal district court held that an environmental organization had standing to challenge Overseas Private Investment Corporation's loans to projects in developing countries, denying the Corporation's motion for summary judgment. Plaintiffs alleged that the Corporation invested in overseas projects that contribute to climate change without complying with the requirements of NEPA or the Administrative Procedure Act.

## *Senville v. Peters*

Name and Date	Description
<u><i>Senville v. Peters</i></u> (D. Vermont May 10, 2004)	A federal district court rejected a challenge to the Federal Highway Administration's approval of one segment of a 16.7 mile highway that alleged that the EIS failed to analyze the project's effect on climate change, holding that plaintiffs did not establish that small increase in vehicle congestion would lead to significant air quality impacts. However, the court held that the EIS was inadequate for other reasons.

## *Center for Biological Diversity v. California Dept. of Forestry*

Name and Date	Description
<u><i>Center for Biological Diversity v. California Dept. of Forestry</i></u> (Tehama Co. Sup. Ct., filed Aug. 13, 2009)	CBD filed a lawsuit against the California Department of Forestry over the agency's failure to analyze the GHG impacts when it approved a logging plan in the Sierra Nevada. CBD alleged that the Department was required to analyze and mitigate the GHG emissions of the project pursuant to CEQA but failed to do so.

## *Village of Kivalina v. ExxonMobil Corp.*

Name and Date	Description
<u><i>Village of Kivalina v. ExxonMobil Corp.</i></u> (N.D. Cal. Sept. 30, 2009)	A federal court granted a motion to dismiss in a lawsuit brought against 24 oil, energy and utility companies by Inupiat Eskimos from Kivalina, Alaska. In dismissing the case for lack of subject matter jurisdiction, the court held that the question of how best to address climate change is a political question not appropriate for a federal trial court to decide. The court also held that the plaintiffs could not demonstrate that the companies had caused them injury. The lawsuit alleged that as a result of climate change, the Arctic sea ice that protects the Kivalina coast from storms has been diminished and that resulting erosion will require relocation of the residents at a cost of between \$95 and \$400 million.

## *NRDC v. U.S. State Dept.*

Name and Date	Description
<u><i>NRDC v. U.S. State Dept.</i></u> (D.D.C. Sept. 29, 2009)	A federal district court denied a motion by NRDC to block a planned pipeline that would carry oil from Canadian tar sands to the United States. NRDC claimed that the State Department violated NEPA by issuing a permit to a company to build a cross-border oil pipeline. The court held that the group had no legal right to intervene in a permitting action carried out by a federal agency, holding that the President had complete, unfettered discretion over the permitting process.

## **Greater Yellowstone Coalition v. Servheen**

<b>Name and Date</b>	<b>Description</b>
<u><i>Greater Yellowstone Coalition v. Servheen</i></u> (D. Montana Sept. 21, 2009)	A federal district court in Montana restored threatened-status protection for grizzly bears in and around Yellowstone National Park, citing a decline in food supplies caused in part by climate change. The court vacated a March 2007 decision by the Fish and Wildlife Service to remove the grizzly bear from the list of threatened species. Specifically, the court held that the FWS's decision did not adequately consider the impact of climate change and other factors on whitebark pine nuts, a major food source for the animals.

## *Hanosh v. King*

Name and Date	Description
<u><i>Hanosh v. King</i></u> (N.M. Sept. 10, 2009)	<p>The New Mexico Supreme Court affirmed a state appeals court's decision allowing plaintiffs to bring a declaratory judgment action against the New Mexico Environmental Improvement Board instead of filing an administrative appeal. The plaintiffs commenced the action in state court in 2007 after the Board signed off on emissions regulations that were tougher than federal standards. New Mexico is one of 13 states to adopt California's emissions laws after EPA granted the state a waiver under the Clean Air Act in June 2009 to enact its own regulations. The plaintiffs alleged that the Board did not have the power under state law to approve the stricter standards. The state court dismissed the complaint, holding that plaintiffs had to pursue an administrative appeal and could not file a separate declaratory judgment action. A state appellate court reversed, holding that the plaintiffs could raise a purely legal challenge to the Board's statutory authority through a declaratory judgment action. The Supreme Court agreed and remanded the case back to the lower court.</p>

## *Shenandoah Valley Network v. Capka*

Name and Date	Description
<u><i>Shenandoah Valley Network v. Capka</i></u> (W.D. Vir. Sept. 3, 2009)	Plaintiffs filed suit challenging the Federal Highway Administration's issuance of a "record of decision" concerning a highway improvement plan in Virginia. Among other things, the plaintiffs' complaint alleged that FHA failed to take the requisite "hard look" at the plan's contribution to climate change and oil dependence. In their complaint, plaintiffs alleged that FHA prematurely issued the record of decision. The defendants moved for summary judgment. The court granted the motion, holding that the record of decision was not issued prematurely and that plaintiffs' due process rights were otherwise not violated.
<u><i>Shenandoah Valley Network v. Capka</i></u> (W.D. Vir. June 17, 2010)	Plaintiffs filed suit challenging the Federal Highway Administration's issuance of a "record of decision" concerning a highway improvement plan in Virginia. Among other things, the plaintiffs' complaint alleged that FHA failed to take the requisite "hard look" at the plan's contribution to climate change and oil dependence. In their complaint, plaintiffs alleged that FHA prematurely issued the record of decision. The defendants moved for summary judgment. The court granted the motion, holding that the record of decision was not issued prematurely and that plaintiffs' due process rights were otherwise not violated. The plaintiffs subsequently moved for leave to amend the judgment and to file a second amended complaint. The court denied the motion, finding that the plaintiffs did not show grounds for amending the judgment and that permitting the requested amendments to the complaint would be futile.

## *Center for Biological Diversity v. Office of Management and Budget*

Name and Date	Description
<u><i>Center for Biological Diversity v. Office of Management and Budget</i></u> (N.D. Cal. Aug. 25, 2009)	In 2007, the Center for Biological Diversity filed suit against the Office of Management and Budget, alleging violations of the Freedom of Information Act (FOIA) in connection with a lawsuit that sought documents in connection with rulemaking concerning CAFE standards for light trucks. In July 2009, the district judge assigned to the case referred the matter to a magistrate judge for an “in camera” review of certain documents that were claimed by OMB to be privileged, including those addressing greenhouse gases. In this decision, the magistrate listed each document at issue and determined whether it remained privileged.

## *Humane Society v. Jackson*

Name and Date	Description
<u><i>Humane Society v. Jackson</i></u> (EPA, filed Sept. 21, 2009)	The Humane Society and other organizations petitioned EPA to limit emissions of the GHGs methane and nitrous oxide, as well as emissions from other air pollutants, from concentrated animal feeding operations (CAFOs). The petition asked EPA to list the emissions from the CAFOs as air pollutants that endanger public health and welfare and issue new source performance standards under Section 111 of the CAA. According to the petition, livestock raising produces 27% of the nation's methane emissions and 16% of its nitrous oxide emissions.

## *Friends of the Chattahoochee v. Longleaf Energy Associates*

Name and Date	Description
<p><u><i>Longleaf Energy v. Friends of the Chattahoochee</i></u> (Georgia Ct. App., rev. granted Aug. 20, 2008)</p>	<p>The Georgia Court of Appeals granted review of a lower court's rejection of a state permit for construction of a coal-fired power plant on the Chattahoochee River. In that decision, the court held that the Georgia Environmental Protection Division must limit the amount of carbon dioxide from the proposed plant before construction can begin, overruling an administrative law judge's decision upholding the agency's approval of the plant.</p>
<p><u><i>Longleaf Energy Associates LLC v. Friends of the Chattahoochee</i></u> (Ga. Ct. App., July 7, 2009)</p>	<p>The Georgia Court of Appeals reversed a lower court ruling that had vacated a state permit for the construction of a 1,200-watt coal-fired power plant on the Chattahoochee River because it did not limit CO<sub>2</sub> emissions. The Court held that the lower court erred by ruling in June 2008 that under the CAA, the Georgia Environmental Protection Division was required to include CO<sub>2</sub> emissions limitations in its permitting process, finding that it would compel the state agency to limit these emissions even though no provision of the CAA or state law or regulation actually controls or limits them.</p>
<p><u><i>Friends of the Chattahoochee v. Longleaf Energy Associates</i></u> (Georgia Sup. Ct. Sept. 28, 2009)</p>	<p>The Georgia Supreme Court denied an appeal by environmental groups regarding a decision that found a proposed coal-fired power plant was not required to limit its CO<sub>2</sub> emissions.</p>

## *Southern Alliance for Clean Energy v. Duke Energy Carolinas, Inc.*

Name and Date	Description
<p><u><i>Southern Alliance for Clean Energy v. Duke Energy Carolinas, Inc.</i></u> (W.D.N.C., filed July 16, 2008)</p>	<p>Plaintiffs <u>filed suit</u> seeking to prevent Duke Energy from building an 800-megawatt coal-fired plant in North Carolina, alleging that the plant has not received a final determination that it will achieve a level of hazardous air pollutant emissions control that satisfies the Maximum Achievable Control Technology requirements of the Clean Air Act.</p>
<p><u><i>Southern Alliance for Clean Energy v. Duke Energy Carolinas, Inc.</i></u> (W.D.N.C. Dec. 2, 2008)</p>	<p>The company moved to dismiss on jurisdiction and standing grounds. The court <u>denied</u> the motion, holding that the environmental groups had standing and that the venue was proper. The court further held that the company must initiate and participate in a full MACT public process within 10 days.</p>
<p><u><i>Southern Alliance for Clean Energy v. Duke Energy Carolinas, Inc.</i></u> (W.D.N.C. July 2, 2009)</p>	<p>A federal court <u>ruled</u> that North Carolina's administrative appeals process is the proper venue to review a challenge to Duke Energy's plans for expansion of a power plant. In granting the motion to dismiss, the court held that the issues raised and relief sought in the two actions "are either identical or essentially the same" and that the administrative process was an adequate avenue for such a challenge.</p>
<p><u><i>Southern Alliance for Clean Energy v. Duke Energy Carolinas, Inc.</i></u> (4<sup>th</sup> Cir. April 14, 2011)</p>	<p>The Fourth Circuit affirmed a decision awarding nearly \$500,000 in attorneys' fees to environmental groups that challenged approval of a coal-fired power plant in North Carolina. Although the district court dismissed the case in July 2009 because regulators had taken over handling the file, the court held that defendant company was required to pay some of the attorneys' fees that plaintiffs had incurred to that point. The Fourth Circuit affirmed, holding that that the plaintiffs need only achieve some success to qualify for an award under the CAA.</p>

## *Minnesota Center for Environmental Advocacy v. Holsten*

Name and Date	Description
<p><u><i>Minn. Center for Env. Advocacy v. Holsten</i></u> (Minn. Co. Ct. Oct. 15, 2008)</p>	<p>The plaintiff, an environmental advocacy group, filed suit in state court against the Minnesota Department of Natural Resources alleging that it did not adequately consider the amount of greenhouse gases a proposed \$1.65 billion direct taconite-to-steel plant would produce when it approved an environmental impact statement (EIS) concerning the plant. The state court upheld the EIS, holding that the state agency followed the law when drafting the EIS. The environmental advocacy group has appealed the ruling.</p>
<p><u><i>Minnesota Center for Environmental Advocacy v. Holsten</i></u> (Minn. Ct. App. Sept. 22, 2009)</p>	<p>The Minnesota Court of Appeal rejected a challenge to the environmental impact statement (EIS) for a proposed steel production plant, which alleged that the EIS was inadequate since it did not include a substantial discussion of the project's projected GHG emissions. The court held that the plaintiffs' challenge was without merit, holding that the EIS adequately addressed the plant's projected GHG emissions and its effect on climate change. The court found that the EIS included a carbon footprint section that acknowledged the proposed plant's CO<sub>2</sub> emissions and that there were no regulations concerning GHG emissions.</p>

## *Ophir v. City of Boston*

Name and Date	Description
<u><i>Ophir v. City of Boston</i></u> (D. Mass July 23, 2009)	A federal district court in Boston issued a temporary injunction prohibiting the city from requiring taxicab companies to purchase new hybrid cars by 2015. A taxicab owners association filed suit alleging that the city's requirement that taxicab owners purchase 2008 or 2009 or later-model vehicles is prohibited under the preemption provisions of the CAA and the Energy Policy and Conservation Act. The plaintiffs argued that local regulation of air quality is preempted by federal law and that the CAA preempts not only regulations targeted at vehicle manufactures and sellers, but also regulations targeted at the purchase of vehicles.
<u><i>Ophir v. City of Boston</i></u> (D. Mass. Aug. 14, 2009)	The court enjoined the city from requiring taxicab companies to purchase new hybrid cars by 2015. The plaintiffs argued that local regulation of air quality is preempted by federal law and that the CAA preempts not only regulations targeted at vehicle manufactures and sellers, but also regulations targeted at the purchase of vehicles. The court agreed and enjoined the city from enforcing the requirement.

## *Sunflower Electric Power Corp. v. Sebelius*

Name and Date	Description
<p><u><i>Sunflower Electric Power Corp. v. Sebelius</i></u> (D. Kansas, filed Nov. 17, 2008)</p>	<p>A company seeking to construct two 700 MW coal-fired power plants filed a lawsuit against state officials alleging that its 14<sup>th</sup> amendment rights to fair and equal treatment under the law were violated and that the officials illegally restricted interstate commerce. In 2007, a state agency denied the company air quality permits for construction of the plants and subsequent bills introduced in the state legislature allowing construction of the plants were vetoed by Governor Kathleen Sebelius.</p>
<p><u><i>Sunflower Electric Power Corp. v. Sebelius</i></u> (Kan. Dist Ct. , filed July 16, 2009)</p>	<p>Sunflower filed a lawsuit in federal court alleging that then-governor Kathleen Sebelius and officials in her administration violated the company's right to fair and equal treatment by blocking its air quality permits over concerns about greenhouse gases. The suit also accuses the defendants of unlawfully prohibiting interstate commerce. Sunflower has sought to build two coal-fired power plants since 2007. In July 2009, EPA Region 7 stated that a comprehensive analysis of the new project would be needed in light of design changes in the new proposal. The analysis would be needed to establish that emissions from the new plant would not violate the prevention of significant deterioration (PSD) requirements of the CAA. However, the review would not take into account emissions of CO<sub>2</sub>.</p>

## *Franklin County Power of Illinois LLC v. Sierra Club*

Name and Date	Description
<p><u><i>Sierra Club v. Franklin Co. Power of Illinois, LLC</i></u> (7th Cir. Oct. 27, 2008)</p>	<p>The State of Illinois granted Franklin Co. Power a Prevention of Significant Deterioration (PSD) permit in 2001 to build a new power plant. However, the company failed to commence construction within the 18 month window required under the permit and then, after commencing construction, discontinued it for almost two years during a payment dispute. In May 2005, the Sierra Club filed a citizen suit under the CAA seeking an injunction to halt further construction due to the expired permit. The district court held that the PSD permit expired and that the company would have to obtain a new permit before continuing construction. The Seventh Circuit affirmed the district court's decision, holding that the company both failed to commence construction within the 18 month window and discontinued construction activities for more than 18 months.</p>
<p><u><i>Franklin County Power of Illinois LLC v. Sierra Club</i></u> (U.S. Sup. Ct. June 29, 2009)</p>	<p>The U.S. Supreme Court denied a request to review a decision barring the construction of a coal-fired power plant in Southern Illinois whose permit under the Clean Air Act (CAA) had expired, leaving intact the lower court decision which blocked construction of the plant because its Prevention of Significant Deterioration (PSD) permit had expired.</p>

## *Sierra Club v. Two Elks Generation Partners*

Name and Date	Description
<p><u><i>Sierra Club v. Two Elks Generation Partners</i></u> (D. Wyoming, filed Jan. 29, 2009)</p>	<p>The Sierra Club filed suit against a proposed tar sands oil project, alleging that it will harm human health by, among other things, increasing greenhouse gas emissions. Specifically, the complaint alleges that the Department of the Interior (DOI) and other defendants violated the National Environmental Policy Act (NEPA) and the Administrative Policy Act by failing to prepare an Environmental Impact Statement (EIS) and failing to allow for public participation in DOI's decision. The complaint further alleges that the project anticipates the construction of 288 closely-spaced new oil wells. According to the Sierra Club, greenhouse gas emissions from tar sands production are three times those of conventional oil and gas production.</p>

## *Sierra Club v. U.S. Dept. of State*

Name and Date	Description
<u><i>Sierra Club v. U.S. Dept. of State</i></u> (N.D. Cal., filed Sept. 3, 2009)	Sierra Club and other groups filed a lawsuit seeking to stop construction of a cross-border pipeline that would bring large volumes of oil from Canadian tar sands into the United States for refining and marketing. The plaintiffs allege that the State Department's EIS did not adequately consider the environmental impact of tar sands production. According to the plaintiffs, such production accounts for three times the amount of GHGs as normal production. On Sept. 23, 2009, the district court ruled on a motion to transfer venue to Minnesota (the decision has been added to the "NEPA" slide). The court granted the motion, holding that most of the plaintiffs did not reside in California, the decisions were made outside of California and the district had little interest in the subject matter. The court held that the majority of activities underlying the lawsuit took place in Minnesota.

## *Blue Skies Alliance v. Texas Commission on Environmental Quality*

Name and Date	Description
<p data-bbox="138 594 789 813"><u><i>Blue Skies Alliance v. Texas Commission on Environmental Quality</i></u> (Tex. App. Ct. Jan. 29, 2009)</p>	<p data-bbox="863 594 1990 1247">A Texas state appellate court upheld the Texas Commission on Environmental Quality's approval of a permit to operate a coal-fired power plant. The court held that the plant would have no significant impact on compliance with federal air quality standards in the Dallas-Fort Worth area to the north. It also held that "best available control technology" must be a technology that can be installed at the plant, and that Clean Air Act technology requirements cannot require a redesign of a plant. The court rejected an argument from plaintiffs that the Commission should have required the integrated gasification combined cycle coal conversion process, holding that they offered no evidence showing that this process could be used by the plant developer.</p>

## *Friends of the Earth v. Spinelli*

Name and Date	Description
<p><u><i>Friends of the Earth v. Spinelli</i></u> <i>(formerly Friends of the Earth v. Mosbacher)</i> (N.D. Cal., settled Feb. 6, 2009)</p>	<p>The Overseas Private Investment Corp. (OPIC) and the U.S. Export-Import Bank (Ex-Im Bank) settled a lawsuit filed by several city governments and environmental groups, agreeing to consider GHG emissions that would result from the projects they finance. The lawsuit was filed by Friends of the Earth and several other plaintiffs in 2002 and alleged that OPIC and Ex-Im Bank, both independent government entities, provide monetary assistance to projects without assessing the CO2 emissions of these projects as mandated by NEPA and the Administrative Procedure Act. In 2005, the district court held that the plaintiffs had the right to sue the two agencies to force compliance. Under the terms of the settlement, the Ex-Im Bank, which provides financing for exports from the U.S., and OPIC, which offers insurance and loan guarantees for projects in developing countries, will revise their policies regarding the environment in consultation with representatives of the plaintiffs. Additionally, the bank will be required, whenever possible, to post environmental documents online for public comment and will, in conjunction with representatives of the plaintiffs, “develop and implement a carbon policy.” Further, the settlement requires the bank to assume a “leadership role” by taking actions such as encouraging transparency with regard to GHG emissions and “proposing common greenhouse gas mitigation standards for financed projects.” The settlement with OPIC requires that any project that emits more than 100,000 tons of CO2 equivalent a year be subject to an environmental impact assessment that takes into account GHG emissions. In addition, the settlement requires OPIC to report the emissions from such projects to the public on a yearly basis and to reduce the number of projects by 20% over the next 10 years.</p>

## *California v. EPA*

Name and Date	Description
<u><i>California v. EPA</i></u> (N.D. Cal. Nov. 22, 2008)	<p>The State of California filed a lawsuit seeking documents under the Freedom of Information Act (FOIA) concerning statements made by officials at the National Highway Transportation Safety Administration (NHTSA) that the state's regulation of CO2 is preempted by federal law. Specifically, the state sought documents concerning NHTSA's discussion of California's regulations and preemption with certain officials as well as certain meetings and phone conversations where these topics were discussed. NHTSA contended that many of these documents were exempt from disclosure under the deliberative process privilege. Both sides moved for summary judgment. The magistrate judge assigned to the case issued a ruling recommending that some of the documents in dispute were not covered by the privilege and thus should be disclosed.</p>

## *Ash Grove Texas, LP v. City of Dallas*

Name and Date	Description
<u><i>Ash Grove Texas, LP v. City of Dallas</i></u> (N.D. Texas, filed Nov. 26, 2008)	A cement manufacturer filed a lawsuit against several Texas municipalities that passed “green cement” resolutions, which favor cement companies that use dry process kilns, which emit less pollution than old-style, wet process kilns. Plaintiff Ash Grove has only wet process kilns. The resolutions have been adopted by Dallas, Plano, Arlington and Fort Worth. The company alleges in its complaint that these resolutions violate Texas law regarding competitive bidding and public contracts, and that they also violate the company’s constitutional rights.

## *American Nurses Association v. EPA*

Name and Date	Description
<u><i>American Nurses Association v. EPA</i></u> (D.C. Cir., filed Dec. 18, 2008)	A coalition of environmental groups filed a lawsuit against EPA seeking to force the agency to comply with a six-year-old mandate to reduce toxic chemical emissions from coal-fired power plants. The suit seeks a court order requiring EPA to set limits for mercury and other hazardous air pollutants. EPA was required under Section 112(d) of the CAA to issue final national emissions standards for hazardous air pollutants emitted by new and existing coal- and oil-fired electric utility steam generating units by December 2002 under its maximum achievable control technology (MACT) program. In March 2005, the EPA issued a rule removing these plants from the list of industries for which MACT standards were required. However, this rule was vacated in March 2008.

## *Center for Biological Diversity v. FWS*

Name and Date	Description
<u><i>Center for Biological Diversity v. FWS</i></u> (D. Alaska, filed Dec. 3, 2008)	CBD sued the FWS for failing to issue a decision regarding its petition to list the Pacific walrus as a threatened or endangered species under the Endangered Species Act because of climate change. CBD filed its petition in February 2008.

## *Sevier Power Co. LLC v. Board of Sevier Co. Commissioners*

Name and Date	Description
<u><i>Sevier Power Co. LLC v. Board of Sevier Co. Commissioners</i></u> (Utah Supreme Ct., Oct. 17, 2008)	Individuals who were opposed to the construction of a coal-fired power plant in their county attempted to modify a county zoning ordinance regarding such facilities to require voter approval. The initiative was approved by the Board of County Commissioners for placement on the ballot for the November 2008 general election. Sevier Power brought an action in state court, alleging that this amounted to a land use ordinance which could not be changed by voter initiative pursuant to the Election Code. On appeal, the Utah Supreme Court reversed, holding that that portion of the Election Code that limited citizen initiatives was unconstitutional given that the Utah Constitution allowed citizens the right to initiate "any desired legislation" to voters for approval or rejection unless otherwise forbidden by the Utah Constitution.

## *Citizen Action Coalition of Indiana v. PSI Energy*

Name and Date	Description
<u><i>Citizen Action Coalition of Indiana v. PSI Energy</i></u> (Indiana Ct. App., Oct. 16, 2008)	In 2007, the Indiana Utility Regulatory Commission approved the construction of a 630 MW power plant in southwest Indiana. Several environmental groups appealed the Commission's approval, alleging that it erred by failing to reopen proceedings to admit new evidence, failing to consider the potential future costs and that state laws favoring the use of Indiana coal violated the Commerce Clause. The Indiana Court of Appeals upheld approval of the project, finding that the evidence of increased construction costs did not require that the proceedings be reopened, that the Commission had anticipated the potential costs that might be imposed by federal greenhouse gas regulations and that the use of Indiana coal did not violate the Commerce Clause.

## *CleanCOALition v. TXU Power*

Name and Date	Description
<u><i>CleanCOALition v. TXU Power</i></u> (5th Cir., July 21, 2008)	Environmental groups brought a citizen suit against several utility entities to enjoin their construction of a pulverized coal-fired power plant in their community, based on various violations of the preconstruction permit process of the Clean Air Act. The district court dismissed the suit for lack of subject matter jurisdiction, holding that Sections 7604(a)(1) and (a)(3) did not authorize citizen suits to redress alleged pre-permit, preconstruction, pre-operation CAA violations. The Fifth Circuit upheld the district court's decision. The environmental groups filed a petition for a writ of <i>certiorari</i> with the U.S. Supreme Court on October 20, 2008.

***Center for Biological Diversity v. San Joaquin Valley Air Pollution Control District***

Name and Date	Description
<p><u><i>Center for Biological Diversity v. San Joaquin Valley Air Pollution Control District</i></u> (Fresno Co. Sup. Ct., filed Oct. 16, 2008)</p>	<p>The complaint challenged the September 2008 decision of the District to approve a 3,200 cow dairy project and certify the Environmental Impact Report for it. The complaint alleged that the EIR violates the California Environmental Quality Act because it understated the number of cows and arbitrarily concluded that the project's climate change impacts were insignificant, thus avoiding an obligation to consider mitigation measures.</p>

## *Steadfast Insurance Co. v. The AES Corporation*

Name and Date	Description
<u><i>Steadfast Insurance Co. v. The AES Corporation</i></u> (Arlington Co. Cir. Court, filed July 9, 2008)	The complaint seeks a declaratory judgment that Steadfast, which issued a series of general liability insurance policies to AES, is not liable for any damages AES is obligated to pay in the <i>Native Village of Kivalina v. ExxonMobil Corp.</i> lawsuit filed in federal court. Plaintiffs in <i>Kivalina</i> seek to recover damages from AES and other parties caused by climate change that threatens their village in Alaska. The complaint alleges several bases for non-coverage, including that the policies only apply to claims arising from an "accident" which is not alleged by the <i>Kivalina</i> plaintiffs, that the damages occurred prior to September 2003 when the policies were issued, and because greenhouse gases are considered a pollutant which is subject to the pollution exclusion clauses in the policies.
<u><i>Steadfast Insurance Co. v. The AES Corporation</i></u> (Arlington Co. Cir. Court Feb. 5, 2010)	In February 2010, a state court denied the defendant's motion for summary judgment without comment.

## *Center for Biological Diversity v. Hall*

Name and Date	Description
<u><i>Center for Biological Diversity v. Hall</i></u> (D.D.C., entered Sept. 8, 2008)	CBD entered into a settlement with the U.S. Fish and Wildlife Service concerning its lawsuit seeking to compel the agency to determine whether 12 penguin species should be listed as endangered under the ESA because of climate change. The lawsuit was filed in February 2008 after the agency missed a statutory deadline to determine if listing the species was warranted. Under the terms of the settlement, the agency has until December 19, 2008 to make such a determination.

**Sustainable Trans. Advocates of Santa Barbara v. S.B. Co. Assoc. of Governments**

Name and Date	Description
<p><u>Sustainable Transportation Advocates of Santa Barbara v. Santa Barbara County Association of Governments</u> (Cal. Super. Ct., Santa Barbara Co. June 30, 2009)</p>	<p>In 2008, the Santa Barbara County Association of Governments approved an updated regional transportation plan, which included an Environmental Impact Review (EIR) under the California Environmental Quality Act (CEQA). Sustainable Transportation Advocates filed an action alleging that the EIR was inadequate because, among other things, it failed to discuss statewide energy use patterns within the traffic impacts analysis and the potential for “induced traffic” that would occur from freeway expansion. The court granted the petition and suspended approval of the plan until the Association provided sufficient detail in the EIR regarding information on consumption and use patterns within the county, as well as information on the energy impacts of the plan and the potential for “induced traffic” resulting from freeway expansion.</p>

**Transportation Solutions Defense and Education Fund v. Cal. Dept. of Transportation**

Name and Date	Description
<p><u>Transportation Solutions Defense and Education Fund v. Cal. Dept. of Transportation</u> (Sac. Co. Sup. Ct., filed Aug. 26, 2009)</p>	<p>An environmental nonprofit group filed a lawsuit against the California Department of Transportation, alleging that the agency's EIS, which is required pursuant to the California Environmental Quality Act (CEQA), with respect to a highway widening project is flawed. The lawsuit alleges that while the EIS discloses that the project will increase GHG emissions on the highway by 27% annually, it does not analyze the significance of that impact on climate change, and it does not consider alternative means of accomplishing the project's goals in a way that would avoid climate impacts.</p>

## *North Slope Borough v. Minerals Management Service*

Name and Date	Description
<u><i>North Slope Borough v. Minerals Management Service</i></u> (9 <sup>th</sup> Cir. Aug. 27, 2009)	The Ninth Circuit upheld a federal agency's decision not to prepare a supplemental environmental impact statement for a proposed oil and gas lease sale on a tract of the outer continental shelf in the Beaufort Sea. The court upheld the lower court's decision holding that the agency did not act arbitrarily in determining that the risks posed to polar bears by the cumulative effects of climate change could be mitigated.

## *The Wilderness Society v. Department of Interior*

Name and Date	Description
<u><i>The Wilderness Society v. Department of Interior</i></u> (N.D. Cal., filed July 7, 2009)	Fourteen environmental nonprofit groups sued the Department of Interior, alleging that it violated NEPA and other environmental laws in designating 6,000 miles of electricity transmission corridors on public lands in the West. The corridors were designated in January 2009, just one week before former President Bush left office. The plan covers 3.2 million acres of federal lands in 11 western states and creates a network of right-of-ways known as the “West-Wide Energy Corridor.” The plaintiffs allege that the plan ignores the renewable electricity standards that have been adopted by 9 of the 11 states, which call for the increased use of the region’s wind, solar and geothermal resources. The lawsuit alleges that the plan failed to consider the environmental impacts or analyze alternatives.

## *Mirant Potomac River LLC v. EPA*

Name and Date	Description
<u><i>Mirant Potomac River LLC v. EPA</i></u> (4 <sup>th</sup> Cir. Aug. 12, 2009)	The Fourth Circuit held that a power plant in Virginia may not use emissions trading to meet its obligations under a state implementation plan approved by the EPA as part of the Clean Air Interstate Rule (CAIR). The court held that the company could not use the emissions allowances because of nonattainment provisions in Virginia state air pollution regulations. While CAIR allows emissions trading, Virginia state law does not allow such trading in state nonattainment areas. Because the plant was located in such a nonattainment area, the court found a lack of subject matter jurisdiction and dismissed the lawsuit.

## *U.S. v. Ohio Edison*

Name and Date	Description
<p><u><i>U.S. v. Ohio Edison</i></u> (D. Ohio, proposed consent decree filed Aug. 11, 2009)</p>	<p>A proposed consent decree was filed in federal court, settling a lawsuit brought against an Ohio power plant over CAA violations. The decree requires the plant to reduce greenhouse gases at the facility by 1.3 million tons per year. According to a press release from the Department of Justice, the plant will be the largest coal-fired power plant in the U.S. to re-power with renewable biomass fuels and the first such plant at which greenhouse emissions will be reduced under a CAA consent decree. The proposed decree modifies an original 2005 settlement that gave the company three options: shut down the plant, install a scrubber or re-power by natural gas by 2010. The decree stems from a 1999 new source review lawsuit that alleged that the company made unlawful modifications to its plant that resulted in excess SO<sub>2</sub> and NO<sub>x</sub> emissions.</p>

## *California Business Properties Association v. California Air Resources Board*

Name and Date	Description
<p><u><i>California Business Properties Association v. California Air Resources Board</i></u> (Cal. Sup. Ct. Sacramento Co., filed May 7, 2009)</p>	<p>A coalition of business and taxpayers filed suit in state court alleging that California has violated the state's public records act by failing to turn over certain documents relating to a pending greenhouse gas emissions fee. The plaintiffs claim that the documents are necessary for substantiating the basis for the amount of fees and the nexus between the fees, fee payers and the regulatory activity to be funded. The groups first requested the documents in February 2009 and allege that CARB has failed after repeated requests to provide all relevant documents related to the development of the GHG "administrative fee" which is scheduled to be adopted this summer. The fee aims to collect about \$56 million from a variety of major GHG-emitting sources in the state to pay for the first two years of implementing AB 32, the state's 2006 climate change bill, and a projected \$39 million per year after that.</p>

## *Appalachian Voices v. Virginia State Corporation Commission*

Name and Date	Description
<p data-bbox="191 578 732 737"><u><i>Appalachian Voices v. Virginia State Corporation Commission</i></u> (Va. Sup. Ct. April 17, 2009)</p>	<p data-bbox="863 578 1976 1073">The Virginia Supreme Court rejected a challenge to the constitutionality of the state utility law, upholding state approval for construction of a coal-fired power plant in the southwest portion of the state. The lawsuit alleged that the requirements of Title 56 of the Virginia Code that power plants “utilize Virginia” coal violated the dormant Commerce Clause because it discriminated against out-of-state coal. The Supreme Court disagreed, holding that the Code did not violate the Commerce Clause because it did not require the plant to only use Virginia coal.</p>

## *Hapner v. Tidwell*

Name and Date	Description
<u><i>Hapner v. Tidwell</i></u> (D. Montana, Oct. 30, 2008)	Environmental groups filed a lawsuit challenging a U.S. Forest Service decision to remove timber for fire protection purposes on the ground that the Environmental Assessment prepared by the agency did not look at the effects of climate change would have on the decision. The court disagreed, finding that no such analysis was required because the action would not have a direct effect on climate change.
<u><i>Hapner v. Tidwell</i></u> (9 <sup>th</sup> Cir. Sept. 15, 2010)	On appeal, the 9 <sup>th</sup> Circuit <u>affirmed</u> the district court's decision, holding that the brief discussion of climate change in the EA was appropriate given that the project involved a small amount of land and it would thin rather than clear cut trees.

## *Center for Biological Diversity v. National Highway Traffic Safety Administration*

Name and Date	Description
<p><u><i>Center for Biological Diversity v. NHTSA</i></u> (9th Cir. Aug. 18, 2008)</p>	<p>The 9th Circuit rejected the federal government's request to revisit its November 2007 ruling that struck down new fuel economy standards for sport utility vehicles and other light-duty trucks, reaffirming its decision that NHTSA did not adequately consider carbon dioxide emissions when developing new corporate average fuel economy (CAFE) standards for these vehicles, but slightly revising the relief granted.</p>
<p><u><i>Center for Biological Diversity v. NHTSA</i></u> (9<sup>th</sup> Cir., filed April 2, 2009)</p>	<p>CBD sued the Department of Transportation over fuel economy standards, alleging that they were not the maximum feasible required by law. On March 27, 2009, the Obama Administration announced that it was raising fuel economy standards for passenger cars and light trucks to a combined average of 27.3 miles per gallon for the 2011 model year, a 2 mpg increase over the 2010 model year. The Bush administration had proposed a combined average standard of 27.8 mpg in model year 2011. According to CBD, European and Japanese fuel economy standards are 43.3 mpg and 42.6 mpg, respectively.</p>

## Environmental Defense Fund v. South Carolina Board of Health and Env. Control

Name and Date	Description
<u>Environmental Defense Fund v. South Carolina Board of Health and Env. Control</u> (S. Car. Adm. Law Court, filed April 9, 2009)	Environmental Defense Fund and other environmental groups sued South Carolina regulators seeking to block an air pollution permit for a proposed coal-fired power plant along the Great Pee Dee River. The lawsuit alleges that the state agency violated the Clean Air Act by granting a permit that will emit more than 10 million tons of carbon dioxide and that the agency did not require the maximum mercury controls required by law.

## *Center for Biological Diversity v. City of Desert Hot Springs*

Name and Date	Description
<u><i>Center for Biological Diversity v. City of Desert Hot Springs</i></u> (Riverside Co. Sup. Ct., August 6, 2008)	A California state court found that an environmental impact report (EIR) required under the California Environmental Quality Act for a large residential and commercial development was inadequate because, among other things, it failed to make a meaningful attempt to determine the project's effect on global warming before determining that any attempt would be speculative.

## *Santa Clarita Oak Conservatory v. City of Santa Clara*

Name and Date	Description
<u><i>Santa Clarita Oak Conservatory v. City of Santa Clara</i></u> (L.A. Co. Sup. Ct. Aug. 15, 2007)	A California state court held that an EIR analysis for a proposed industrial park project adequately evaluated the impact of climate change on water supply for the project. The analysis concluded that the impact of climate change on water supply was too speculative to conduct a quantitative review of the specific impacts.

## *El Charro Vista v. City of Livermore*

Name and Date	Description
<u><i>El Charro Vista v. City of Livermore</i></u> (Alameda Co. Sup. Ct. July 28, 2008)	A California state court rejected a climate change challenge to an EIR on jurisdictional grounds but notes that there is substantial evidence in the record to support the city's determination that such impacts are too speculative for further evaluation.

## *In re Tongue River Railroad Co.*

Name and Date	Description
<u><i>In re Tongue River Railroad Co.</i></u> (Surface Transportation Bd., filed July 26, 2010)	Petitioners, including the Northern Plains Resource Council, moved to reopen a proceeding before the Surface Transportation Board concerning a proposed railroad that would access coal in the Powder River Basin in Montana and Wyoming. Among other things, the petition alleges that the final Environmental Impact Statement prepared in October 2006 pursuant to NEPA did not consider the emergence of new scientific evidence concerning accelerating effects of climate change and the need to reduce greenhouse gas emissions from the burning of coal and other fossil fuels.

## *Laidlaw Energy v. Town of Ellicottville*

Name and Date	Description
<p data-bbox="159 516 758 675"><u><i>Laidlaw Energy v. Town of Ellicottville</i></u> (N.Y. App. Div. Feb. 6, 2009)</p>	<p data-bbox="858 516 1990 1365">A company that sought to convert a cogeneration facility from natural gas to biomass commenced an action after the Town planning board denied site plan approval for the facility. The board based its denial largely on the company's claim that the biomass plant would be carbon neutral. The board found that biomass plants can only be carbon neutral if the plan provides for sustainable fuel source management. However, the company stated that it would not be operating a companion wood growth management plan. In addition, the board found that the company failed to consider the impacts of transporting the fuel source over the 100 mile harvest area. The board found these impacts to be unacceptable. On appeal, the court found that under New York's State Environmental Quality Review Act (SEQRA), the board had taken the requisite "hard look" at the evidence and made a reasonable elaboration for its determination.</p>

## *North Carolina v. Tennessee Valley Authority*

Name and Date	Description
<u><i>North Carolina v. Tennessee Valley Authority</i></u> (W.D.N.C., Jan. 13, 2009)	<p>North Carolina filed a public nuisance action against the Tennessee Valley Authority over air pollution caused by eleven of TVA's coal-fired power plants in other states. The state sought an injunction and attorneys' fees. After the court denied motions for summary judgment filed by both parties, a 12 day trial was held in July 2008. The court subsequently issued a decision finding that the state had demonstrated that four of TVA's plants (one in Alabama and three in Tennessee) constituted a public nuisance. However, it held that the state had not demonstrated that the plants located in other states constituted a public nuisance because they were not located in close proximity to North Carolina. Accordingly, the court issued an injunction requiring TVA to promptly install or retrofit "scrubbers" at the four plants to decrease emissions of certain air pollutants.</p>

## *South Yuba River Citizens League v. National Marine Fisheries Service*

Name and Date	Description
<u><i>South Yuba River Citizens League v. National Marine Fisheries Service</i></u> (E.D. Cal. July 8, 2010)	Two environmental groups filed suit against the National Marine Fisheries Service (NMFS), alleging that a biological opinion issued by the agency concluding that two dams on the Yuba River that are operated by the U.S. Army Corps of Engineers is arbitrary and capricious and that the Corp's operations are causing take of protected salmon and steelhead. Among other things, the plaintiffs alleged that the biological opinions failed to discuss the impact of climate change on the species. Both sides moved for summary judgment. The court found that the plaintiffs had standing and ordered. The court found that the NMFS acted arbitrarily and capriciously in failing to address this issue in its biological opinion.

## *San Diego Navy Broadway Complex Coalition v. City of San Diego*

Name and Date	Description
<p data-bbox="121 516 804 732"><u><i>San Diego Navy Broadway Complex Coalition v. City of San Diego</i></u> (Cal. App. Ct., June 17, 2010)</p>	<p data-bbox="863 516 1976 1317">A California appellate court held that a local development agency was not required to prepare a subsequent or supplemental environmental impact report (EIR) under the California Environmental Quality Act (CEQA) regarding the potential impact of a redevelopment project on global climate change. CEQA requires a public agency to prepare an EIR whenever the agency undertakes a discretionary project that may have a significant impact on the environment. The “touchstone” for determining whether an agency has undertaken such a discretionary action is whether the agency would be able to meaningfully address the environmental concerns that might be identified in the EIR. The court held that in this instance, the development agency lacks authority to address the project’s impact on climate change, and thus environmental review would thus be a meaningless exercise.</p>

## *American Petroleum Institute v. EPA*

Name and Date	Description
<u><i>American Petroleum Institute v. EPA</i></u> (D.C. Cir., settlement dated July 20, 2010)	EPA has agreed to modify monitoring and reporting requirements for oil refinery, fertilizer production, and for suppliers of natural gas.

## *American Public Gas Association v. EPA*

Name and Date	Description
<u><i>American Public Gas Association</i></u> <u><i>v. EPA</i></u> (D.C. Cir., settlement dated July 20, 2010)	EPA has agreed to modify monitoring and reporting requirements for oil refinery, fertilizer production, and for suppliers of natural gas.

## *WildEarth Guardians v. Salazar*

Name and Date	Description
<u><i>WildEarth Guardians v. Salazar</i></u> (D.D.C., filed July 13, 2010)	Several environmental groups filed suit against the U.S. Department of the Interior (DOI) concerning its decision to offer coal leases in Wyoming's Powder River Basin. In March 2010, DOI's Bureau of Land Management decided to sell the coal leases, which cover a region with more than 406 million tons of coal. The lawsuit alleges that the agency's authorization of the leases violates NEPA by not analyzing the regional environmental impacts, particularly climate change impacts, of increased emissions.
<u><i>WildEarth Guardians v. Salazar</i></u> (D.D.C. May 8, 2011)	The court dismissed the portion of the lawsuit that alleged that the decision by the Bureau of Land Management in March 2010 to issue two coal leases was inappropriate because the agency never recertified the area as a coal production region, holding that this was a challenge to BLM's decision to decertify the Powder River Basin in 1990, and that the six-year statute of limitations had passed. The court held that the plaintiffs could petition BLM to recertify the basin as a coal production region (the plaintiffs have done this, and BLM rejected their suit; they filed a separate action on April 18, mentioned below, challenging this). The remaining claims, which allege that BLM violated NEPA by, among other things, failing to address climate change impacts once the coal is burned, remain.

## *Erickson v. Gregoire*

Name and Date	Description
<p><u><i>Erickson v. Gregoire</i></u> (Washington Sup. Ct., filed July 21, 2010)</p>	<p>A conservative legal foundation filed a lawsuit challenging a 2009 executive order by Washington Governor Christine Gregoire. The executive order directed the Washington Department of Ecology to, among other things, continue participating in the Western Climate Initiative, to contact industrial facilities to determine a baseline for GHG emissions, and to develop information for large facilities to determine how they could help meet GHG emissions goals in 2020. The lawsuit claims that the executive order is unconstitutional because it has the force and effect of law and that such an obligation cannot be created through an executive order.</p>
<p><u><i>Erickson v. Gregoire</i></u> (Washington Sup. Ct. Oct. 22, 2010)</p>	<p>A state court in Washington dismissed a lawsuit challenging an executive order by Governor Christine Gregoire that laid the groundwork for a greenhouse gas emissions control program, holding that the executive order fell within the Governor's constitutional and statutory authority to issue policy statements and directives to state agencies.</p>

## *Competitive Enterprise Institute v. EPA*

Name and Date	Description
<u><i>Competitive Enterprise Institute v. EPA</i></u> (D.C. Cir., filed June 29, 2010)	Two industry groups filed lawsuits challenging EPA's GHG emissions rules for cars and light trucks. The rules set the first GHG emissions standard for cars and light trucks of 250 grams per mile of carbon dioxide-equivalent.

## *Ohio Coal Association v. EPA*

Name and Date	Description
<u><i>Ohio Coal Association v. EPA</i></u> (D.C. Cir., filed June 29, 2010)	Two industry groups filed lawsuits challenging EPA's GHG emissions rules for cars and light trucks. The rules set the first GHG emissions standard for cars and light trucks of 250 grams per mile of carbon dioxide-equivalent.

## *Ohio Coal Association v. EPA*

Name and Date	Description
<u><i>Ohio Coal Association v. EPA</i></u> (D.C. Cir., filed June 29, 2010)	Three industry groups filed lawsuits challenging EPA's GHG tailoring rule, which is intended to shield small businesses, schools, hospitals, and other small entities from GHG emissions control requirements that will take effect on January 2, 2011.

## *American Iron and Steel Institute v. EPA*

Name and Date	Description
<u><i>American Iron and Steel Institute v. EPA</i></u> (D.C. Cir., filed June 29, 2010)	Three industry groups filed lawsuits challenging EPA's GHG tailoring rule, which is intended to shield small businesses, schools, hospitals, and other small entities from GHG emissions control requirements that will take effect on January 2, 2011.

## *GerdauAmeristeel U.S. Inc. v. EPA*

Name and Date	Description
<u><i>GerdauAmeristeel U.S. Inc. v. EPA</i></u> (D.C. Cir., filed June 29, 2010)	Three industry groups filed lawsuits challenging EPA's GHG tailoring rule, which is intended to shield small businesses, schools, hospitals, and other small entities from GHG emissions control requirements that will take effect on January 2, 2011.

## *Sierra Club v. Mississippi Public Service Commission*

Name and Date	Description
<p><u><i>Sierra Club v. Mississippi Public Service Commission</i></u> (Mississippi Chancery Ct., filed June 17, 2010)</p>	<p>The Sierra Club filed an appeal of the Mississippi Public Service Commission (PSC), which voted to allow the construction of a proposed 582-megawatt power plant in Kemper County Mississippi. The PSC voted to allow the construction after first voting to block it, citing cost overruns. In its first ruling on April 29, 2010, the PSC unanimously found that the plant would only be in the public interest if it capped its cost at \$2.4 billion and did not charge for the customers up front. The plant filed a motion for reconsideration. On May 26, 2010, two PSC commissioners changed their votes to allow the plant to be built.</p>
<p><u><i>Sierra Club v. Mississippi Public Service Commission</i></u> (Mississippi Chancery Ct. Feb. 28, 2011)</p>	<p>A state court in Mississippi rejected a challenge from the Sierra Club seeking to block the construction of a coal-fired power plant in eastern Mississippi, holding that state regulators committed no error in approving the project. The court rejected the group's argument that the Mississippi Public Service Commission's orders lacked specific findings concerning the balancing of the environmental and economic risks of the facility, holding that the decision could not be reversed on that ground alone.</p>

## *Sierra Club v. Otter Tail Power Co.*

Name and Date	Description
<u><i>Sierra Club v. Otter Tail Power Co.</i></u> (8 <sup>th</sup> Cir. Aug. 12, 2010)	The Eighth Circuit <u>held</u> that the Sierra Club failed to establish violations by a coal-fired power plant in South Dakota under the prevention of significant deterioration (PSD) provisions of the Clean Air Act. In 2008, the Sierra Club challenged three modifications at the plant that occurred in 1995, 1998, and 2001 respectively, alleging that the plant violated the CAA by failing to obtain PSD permits before making the three modifications. The district court dismissed the lawsuit on statute of limitations grounds. The Eighth Circuit affirmed the district court, holding that the lawsuit was barred by the applicable five-year statute of limitations and on jurisdictional grounds given that the group failed to raise its claims during the permitting process to EPA.

## *North Carolina v. Tennessee Valley Authority*

Name and Date	Description
<u><i>North Carolina v. Tenn. Valley Authority</i></u> (4 <sup>th</sup> Cir. July 26, 2010)	The Fourth Circuit <u>held</u> that public nuisance laws cannot be used to control transboundary air pollution, overturning a January 2009 decision by the district court ( <i>North Carolina v. TVA</i> , W.D.N.C. Jan. 13, 2009) that held that TVA's plant emissions impacting North Carolina were a public nuisance. In that ruling, the district court held that four of TVA's 11 coal-fired power plants had to meet specific emission caps and install control technologies by the end of 2013. The 4 <sup>th</sup> Circuit reversed, holding that an activity expressly permitted and extensively regulated by federal and state government could not constitute a public nuisance. In the lawsuit, North Carolina alleged that emissions of sulfur dioxide, nitrogen oxides, mercury, and particulate matter from TVA plants migrate into North Carolina and that TVA failed to take reasonable measures to control such emissions.

## *Appalachian Voices v. Chu*

Name and Date	Description
<u><i>Appalachian Voices v. Chu</i></u> (D.D.C. July 26, 2010)	A federal district court in the District of Columbia <u>held</u> that an environmental group challenging federal tax credits issued to Duke Energy for a “clean” coal project was not entitled to a preliminary injunction because it failed to demonstrate the likelihood of imminent harm as a result of the project. Appalachian Voices alleged that the Departments of Energy and the Treasury failed to consider the environmental consequences of its clean coal tax credit program, violating both the Endangered Species Act and the National Environmental Policy Act. The court held that because Appalachian Voices did not expect an injunction to prevent Duke from proceeding with the project and the plant is not expected to begin operating until 2012, the injury was not imminent.

## *Coupal v. Bowen*

Name and Date	Description
<p data-bbox="281 516 642 560"><u><i>Coupal v. Bowen</i></u></p> <p data-bbox="102 570 816 618">(Cal. Sup. Ct., filed July 27, 2010)</p>	<p data-bbox="858 516 1986 1166">Proponents of a ballot initiative to suspend implementation of California’s Global Warming Solutions Act of 2006 (AB 32) filed a lawsuit in state court to amend the legal title and summary of the proposed measure. The complaint alleges that the title Attorney General Edmund “Jerry” Brown prepared for the measure, Proposition 23, is misleading and unfair. When submitted to the Attorney General, the measure was titled “California Jobs Initiative.” After reviewing the measure, the Attorney General changed the title to “Suspends Air Pollution Control Laws Requiring Major Polluters to Report and Reduce Greenhouse Gas Emissions That Cause Global Warming Until Employment Drops Below Specified Level for Full Year.”</p> <p data-bbox="858 1227 1961 1317">On August 3, 2010, the state court issued an order making certain revisions to the title and summary of the initiative.</p>

## *Chamber of Commerce v. EPA*

Name and Date	Description
<u><i>Chamber of Commerce v. EPA</i></u> (D.C. Cir., filed Aug. 13, 2010)	The U.S. Chamber of Commerce filed a lawsuit against EPA following EPA's July 29, 2010 rejection of its petition to reconsider its 2009 endangerment finding. On that date, EPA denied 10 petitions challenging the validity of the climate science used as the basis of its 2009 finding that GHG emissions endanger public health and welfare and thus can be regulated under the Clean Air Act. The petitions alleged that emails stolen from University of East Anglia's Climate Research Unit indicated that scientists had manipulated data to make climate change more dramatic than it really is. Several investigations of the emails have concluded that the scientists have not manipulated the data. In its denial, EPA said it conducted a thorough review of the science it used and concluded that "climate science is credible, compelling, and growing stronger."

## *Georgia Coalition for Sound Env. Policy v. EPA*

Name and Date	Description
<u><i>Georgia Coalition for Sound Env. Policy v. EPA</i></u> (D.C. Cir., filed Aug. 12, 2010)	<p>Between July 30 and August 2, 2010, 19 lawsuits were filed challenging EPA's GHG tailoring rule. On August 12, 2010, the court issued an order consolidating these challenges. The lawsuits that are part of this consolidation order are <a href="#">set forth on this chart</a>.</p> <p>On June 3, 2010, EPA published the final GHG tailoring rule, which limits the scope of the emissions control requirements for new and modified stationary sources to those emitting 100,000 tons or more per year and modified sources with emissions greater than 75,000 tons per year beginning in January 2011. The deadline for challenging the rule was August 2, 2010.</p>

## *Arkema Inc. v. EPA*

Name and Date	Description
<u><i>Arkema Inc. v. EPA</i></u> (D.C. Cir. Aug. 27, 2010)	<p>The D.C. Circuit vacated portions of EPA's cap-and-trade program for reducing ozone-depleting substances, holding that the agency illegally invalidated credit transfers. The lawsuit concerned EPA regulations designed to meet U.S. commitments under the Montreal Protocol, which requires member countries to phase out production and consumption of a range of ozone depleting substances, including hydrochlorofluorocarbons (HCFCs), a potent greenhouse gas. In 2003, EPA set rules for HCFC production and consumption between 2004 and 2009 that allowed allowances to be transferred between and within companies for one year or permanently through baseline credit transfers. In December 2009, EPA issued a rule governing 2010-14 credits that determined that the Clean Air Act bars permanent baseline transfers. In the lawsuit, plaintiffs alleged that EPA's 2009 rule illegally invalidated baseline emissions transfers within companies. The district court held that the rule was illegally retroactive because it altered transactions approved under the 2003 rule that were intended to be permanent. The Circuit Court affirmed the district court's ruling and invalidated the 2009 rule.</p>

***Sierra Club v. Energy Future Holdings Corp.***

Name and Date	Description
<p><u><i>Sierra Club v. Energy Future Holdings Corp.</i></u> (E.D. Texas, filed Sept. 2, 2010)</p>	<p>The Sierra Club filed a lawsuit in federal court against the owners of a power plant near Longview, Texas, alleging that it has committed more than 50,000 violations under the Clean Air Act concerning mercury and other toxic air emissions. The complaint alleges that the plant has the highest total air pollution out of more than 2,000 industrial plants across the state and accounted for more than 13 percent of all industrial air pollution in Texas in 2008 and 20 percent of all coal-fired power plant pollution.</p>

## *Sierra Club v. Duke Energy Indiana, Inc.*

Name and Date	Description
<u><i>Sierra Club v. Duke Energy Indiana, Inc.</i></u> (S.D. Ind. Sept. 14, 2010)	A federal court in Indiana granted summary judgment in favor of a power company, holding that the Sierra Club filed its lawsuit after the applicable five-year statute of limitations expired. The Sierra Club filed a lawsuit in 2008, alleging that Duke Energy had modified its power plant in Knox County, Indiana between 1993 and 2001 without obtaining the necessary prevention of significant deterioration (PSD) permits. Duke Energy moved for summary judgment, arguing that the action was time-barred. In granting the motion, the court rejected the Sierra Club's argument that the company's failure to obtain the necessary permits constituted an ongoing violation under the Clean Air Act (CAA) such that the statute of limitations had not run. However, the court stayed its decision pending the outcome of an appeal before the Seventh Circuit that addresses the same issue ( <u><i>United States v. Cinergy Corp.</i></u> , No. 09-3344 (7 <sup>th</sup> Cir., filed Sept. 21, 2009)).

## *Sierra Club v. Wisconsin Power & Light Co.*

Name and Date	Description
<u><i>Sierra Club v. Wisconsin Power &amp; Light Co.</i></u> (W.D. Wis., filed Sept. 9, 2010)	The Sierra Club <u>filed</u> a lawsuit in federal court against a Wisconsin power company alleging that the company violated the CAA and Wisconsin's state implementation plan by modifying and operating boilers at two of its plants without obtaining necessary permits authorizing such construction. The lawsuit also accuses the company of failing to meet emissions limits through the use of best available control technology (BACT) and by generally failing to install technology to control emissions.

## *Texas v. EPA*

Name and Date	Description
<u><i>Texas v. EPA</i></u> (D.C. Cir., filed Sept. 7, 2010)	Texas filed a lawsuit against EPA challenging the agency's rejection of Texas' petition requesting that EPA reconsider its finding that greenhouse gases (GHGs) from cars and light trucks endanger human health and welfare. In its earlier petition for reconsideration, Texas alleged that the endangerment finding relied on flawed science. This petition follows a <a href="#">similar petition</a> filed by the U.S. Chamber of Commerce on Aug. 13, 2010. The deadline for filing lawsuits based on EPA's rejection of reconsideration is Oct. 12, 2010.

## *Sierra Club v. U.S. Defense Energy Support Center*

Name and Date	Description
<p><u><i>Sierra Club v. U.S. Defense Energy Support Center</i></u> (N.D. Cal., filed June 18, 2010)</p>	<p>The Sierra Club <a href="#">filed</a> a lawsuit seeking to stop the U.S. military from buying fuels derived from Canadian oil sands, alleging that the fuels violate Section 526 of the Energy Independence and Security Act (EISA), which states that for federal agency purchases of fuels produced from nonconventional sources like oil sands, “the lifecycle greenhouse gas emissions associated with the production and combustion of the fuel supplied under the contract must, on an ongoing basis, be less than or equal to such emissions from the equivalent conventional fuel produced from conventional petroleum sources.” Sierra Club contends that given the higher GHG emissions associated with oil sands production, the Defense Department is violating the EISA as well as the Administrative Procedure Act and NEPA. On September 29, 2010, several business and energy trade groups sought to intervene in the case, arguing that because oil sands fuels are often blended by refiners from other types of crude oil, it would be virtually impossible to apply the EISA restriction to Canadian oil imports.</p>
<p><u><i>Sierra Club v. U.S. Defense Energy Support Center</i></u> (N.D. Cal. Jan. 11, 2011)</p>	<p>The district court granted a motion to transfer venue to the Eastern District of Virginia, holding that the plaintiffs had met their burden in meeting the elements required to transfer the case.</p>

## *In re Application of Middletown Coke Co.*

Name and Date	Description
<u><i>In re Application of Middletown Coke Co.</i></u> (Sup. Ct. Ohio Dec. 1, 2010)	The Ohio Supreme Court held that the Ohio Power Siting Board has jurisdiction to review a proposed power plant's environmental impact, regardless of its declaration to the contrary. In approving the power plant's application, the Board claimed that it had no jurisdiction to review construction permits requiring environmental impact assessments. The Supreme Court disagreed, holding that state law required it to assess whether the plant would have minimal adverse environmental impacts.

## *Sierra Club v. Sandy Creek Energy Associates*

Name and Date	Description
<u><i>Sierra Club v. Sandy Creek Energy Associates</i></u> (5 <sup>th</sup> Cir. Nov. 23, 2010)	The Fifth Circuit reversed a district court decision, holding that construction of a coal-fired power plant in Waco, Texas violated the CAA because, as a major source of a hazardous air pollutant, it lacked a determination by a regulatory authority on required emissions control technology. According to the court, because the plant will emit more than 10 tons of mercury per year, it falls under the construction requirements of Section 112(g) of the CAA, which governs hazardous air pollutants. This section prohibits construction of any major source of hazardous air pollutants unless a state or federal authority has determined that the source will meet maximum achievable control technology (MACT) emissions limits for new sources.

## *In re Russell City Energy Center LLC*

Name and Date	Description
<p data-bbox="121 436 800 537"><u><i>In re Russell City Energy Center LLC</i></u></p> <p data-bbox="138 548 783 654">(EPA Env. App. Board Nov. 18, 2010)</p>	<p data-bbox="863 436 1990 930">The EPA Environmental Appeals Board denied petitions to review a CAA permit issued by San Francisco Bay area regulators for a natural gas-fired power plant that includes a cap on greenhouse gas emissions. The challenges rejected by the Appeals Board addressed non-greenhouse gas-related provisions in the permit for the facility. None of the petitions objected to the greenhouse emissions cap. The order gives the go-ahead for the first ever CAA pre-construction permit issued with limits on greenhouse gas emissions.</p>

## *In re WildEarth Guardians*

Name and Date	Description
<p><u><i>In re WildEarth Guardians</i></u> (Interior Dept. Board of Land Appeals Oct. 28, 2010)</p>	<p>The Interior Department's Board of Land Appeals denied a request for a stay of a previous decision allowing the sale of 2,695 acres adjoining coal mines in northwestern Wyoming, effectively allowing the Bureau of Land Management (BLM) to complete the sales. In August 2010, the BLM agreed to offer the land at issue for leasing purposes. WildEarth Guardians, along with several other environmental groups, appealed the decision, alleging that BLM failed to adequately analyze and assess the climate change impacts of the leases under NEPA.</p>

## *Sierra Club v. EPA*

Name and Date	Description
<u><i>Sierra Club v. EPA</i></u> (W.D. Wash., filed Nov. 17, 2010)	The Sierra Club, along with several other environmental organizations, filed a lawsuit alleging that EPA violated the CAA by failing to respond to objections concerning an operating permit issued by the agency for an existing coal-fired power plant in Washington state. The Southwest Clean Air Agency, which is responsible for administering the state's Title V permit program, published a draft Title V operating permit for the plant in May 2009. The plaintiffs lodged complaints in July 2009 and requested that EPA object to the draft permit. However, the complaint alleges that EPA provided no response to the comments within the required 45 days. The lawsuit alleges that EPA should have objected to the permit because it failed to require reasonably available control technology for the control of, among other things, carbon dioxide.

## *Southern Utah Wilderness Alliance v. Interior Dept.*

Name and Date	Description
<u><i>Southern Utah Wilderness Alliance v. Interior Dept.</i></u> (D.D.C., filed Nov. 9, 2010)	Several environmental groups filed a lawsuit against the Interior Department, challenging three Bureau of Land Management's approvals authorizing oil and gas development on 4.5 million acres of public lands in southeast Utah. The lawsuit alleges that BLM's 2008 approval of resource management plans for this land violated NEPA because the agency failed to consider the environmental impacts of oil and gas development, off-road vehicle use, and other motor vehicle use on the lands, including their contribution to climate change.

## *Grocery Manufacturers Association v. EPA*

Name and Date	Description
<p data-bbox="218 500 705 602"><u><i>Grocery Manufacturers Association v. EPA</i></u> (D.C. Cir., filed Nov. 9, 2010)</p>	<p data-bbox="863 500 1986 846">An industry association and several other representatives of the meat and pork industry filed an action challenging EPA's decision to grant a waiver allowing more ethanol in fuel for 2007 and newer vehicles, alleging that the agency exceeded its authority under the CAA. The decision raises from 10 percent to 15 percent the maximum ethanol level in gasoline used in these vehicles.</p>

## *Defenders of Wildlife v. Jackson*

Name and Date	Description
<u><i>Defenders of Wildlife v. Jackson</i></u> (D.D.C, filed Nov. 8, 2010)	The Sierra Club filed a lawsuit against the EPA, alleging that it has failed to revise wastewater limits for coal-fired power plants in violation of the Clean Water Act. The lawsuit alleges that despite EPA data showing high concentrations of toxic metals in power plant wastewater, there are no national standards regarding coal-combustion effluent.

## *Sierra Club v. EPA*

Name and Date	Description
<u><i>Sierra Club v. EPA</i></u> (D.C. Cir., filed Nov. 8, 2010)	The Sierra Club filed a lawsuit seeking restrictions on greenhouse gas emissions from Portland cement plants. The lawsuit challenges new source performance standards for Portland cement plants announced by EPA. In September 2010, EPA published a final rule regarding standards for the plant which did not include limits on greenhouse gas emissions.

## *United States v. DTE Energy Co.*

Name and Date	Description
<u><i>United States v. DTE Energy Co.</i></u> (E.D. Mich., filed Aug. 5, 2010)	The federal government filed a lawsuit against a company, alleging that it modified a coal-fired power plant in Michigan without a permit and failed to install proper pollution controls. Specifically, the government claims that the company modified a unit without installing the equipment needed to limit nitrogen oxide and sulfur dioxide emissions in violation of the New Source Review provisions of the CAA. In November 2010, the court granted a motion to intervene filed by the Natural Resources Defense Council and the Sierra Club.

## *Sierra Club v. Vilsack*

Name and Date	Description
<u><i>Sierra Club v. Vilsack</i></u> (D.D.C., filed June 15, 2010)	The Sierra Club filed a lawsuit challenging a regulation pursuant to which the federal Rural Utilities Service (RUS) granted approval for a company to construct a new coal-fired power plant without requiring environmental review under the National Environmental Policy Act. In July 2009, the RUS granted the company a lien accommodation to allow it to obtain private financing for the construction of a new unit. In November 2010, the court granted the company's motion to intervene.

## *Texas v. EPA*

Name and Date	Description
<u><i>Texas v. EPA</i></u> (5 <sup>th</sup> Cir. Dec. 29, 2010)	<p>On December 23, 2010, EPA announced the publication of rules that would allow it to issue permits for new and modified sources of GHG emissions in Texas. The agency stated that it was taking this action because Texas refused to implement GHG emissions permits as it was required to do under prevention of significant deterioration (PSD) provisions of the Clean Air Act starting January 2, 2011. Earlier, on December 15, 2010, Texas filed a motion to challenging the PSD provisions with respect to GHGs and requesting a stay of their implementation. On December 29, 2010, the Fifth Circuit denied the motion, holding that the state had not met its burden in satisfying the legal requirements for a stay. Texas then sought an emergency stay in the D.C. Circuit, which granted an “administrative stay” on December 30, 2010. In its order, the court stated that it did not rule on the merits and granted the stay only so it had an adequate opportunity to consider the motion and so EPA had an adequate opportunity to respond.</p>
<u><i>Texas v. EPA</i></u> (D.C. Cir. Dec. 30, 2010)	<p>The D.C. Circuit lifted an emergency stay that had blocked EPA from taking over Texas’s GHG permitting program, holding that the state did not satisfy the standards required for a stay pending review. The decision allows EPA to issue permits for large stationary sources of GHG emissions in Texas pending a review of the merits of the lawsuit.</p>
<u><i>Texas v. EPA</i></u> (D.C. Cir. Jan. 12, 2011)	<p>The Fifth Circuit transferred a case brought by Texas challenging a final rule by EPA, referred to as the “SIP Call,” requiring states to adopt laws and regulations allowing them to issue permits to new and modified stationary sources for GHG emissions. In deciding the transfer the case to the D.C. Circuit, the court held that centralized review of national issues was preferable and that Texas did not convincingly argue that the Fifth Circuit should hear the case because the state was challenging a local aspect of the rule.</p>
<u><i>Texas v. EPA</i></u> (5 <sup>th</sup> Cir. Feb. 24, 2011)	<p>The Fifth Circuit transferred a case brought by Texas challenging a final rule by EPA, referred to as the “SIP Call,” requiring states to adopt laws and regulations allowing them to issue permits to new and modified stationary sources for GHG emissions. In deciding the transfer the case to the D.C. Circuit, the court held that centralized review of national issues was preferable and that Texas did not convincingly argue that the Fifth Circuit should hear the case because the state was challenging a local aspect of the rule.</p>

## *Hempstead Co. Hunting Club v. SW Electric Power Co.*

Name and Date	Description
<u><i>Hempstead Co. Hunting Club v. SW Ele. Power Co.</i></u> (8 <sup>th</sup> Cir. Dec. 21, 2010)	The Eighth Circuit upheld an injunction blocking a power company from continuing construction on a coal-fired power plant in Arkansas, vacating its November 24, 2010 interim judgment staying a preliminary injunction granted by a federal district court judge. The court held that the district court's issuance of the preliminary injunction was not plainly contrary to law concerning the requirement that plaintiffs must show irreparable harm in the absence of a preliminary injunction.

## Fall-Line Alliance for a Clean Env. v. Barnes

Name and Date	Description
<p><u>Fall-Line Alliance for a Clean Environment v. Barnes</u> (Georgia Office of State Adm. Hearings Dec. 16, 2010)</p>	<p>A Georgia administrative law judge rejected a state air quality permit for a proposed coal-fired power plant, ruling that the state's Environmental Protection Division (EPD) set pollutant limits for the facility based on the limits in other facilities' permits rather than on the amount of pollution actually reduced at those plants. The judge held that the EPD erred by basing the maximum achievable control technology (MACT) emissions floor for non-mercury hazardous metals and hazardous organic pollutants on the permitted levels of the best controlled similar sources, rather than on the emission reductions actually achieved by those sources. In doing so, EPD failed to determine whether the permitted emissions limitations reasonably reflected the level of control achieved at the facilities.</p>

## *Minnesota Center for Env. Advocacy v. Minn. Pub. Util. Comm.*

Name and Date	Description
<p data-bbox="117 501 804 719"><u><i>Minnesota Center for Env. Advocacy v. Minn. Pub. Utilities Commission</i></u> (Minn. Ct. App. Dec. 14, 2010)</p>	<p data-bbox="858 501 1976 995">An environmental nonprofit filed a lawsuit challenging a 313-mile long crude oil pipeline in Minnesota, alleging that the Minnesota Public Utilities Commission (MPUC) violated the Minnesota Environmental Protection Act (MEPA) by, among other things, not considering the GHG emissions from refining the tar sands from which the petroleum would be extracted. A state district court granted summary judgment in favor of MPUC. The appellate court affirmed, holding that the state regulations did not require that MPUC take into account emissions from the tar sands.</p>

## *Olmstead County Concerned Citizens v. Minn. Pollution Control Agency*

Name and Date	Description
<p data-bbox="138 501 785 719"><u><i>Olmstead County Concerned Citizens v. Minnesota Pollution Control Agency</i></u> (Minn. Ct. App. Dec. 7, 2010)</p>	<p data-bbox="861 501 1986 1255">A company sought to construct and operate a 75-million-gallon-per-year ethanol plant which would rely on process water from two production wells for its water needs. The process water would be recycled on-site and reused. A citizens' group challenged the Minnesota Pollution Control Agency's decision not to require an environmental impact statement (EIS) for the project. Among other things, the citizens' group alleged that the environmental assessment did not adequately address increased greenhouse gas emissions from indirect impacts like corn production used for ethanol. The state district court granted summary judgment on behalf of the agency. The appellate court affirmed, holding that it was not arbitrary or capricious not to include such an analysis given that the long-term effects of ethanol production were relatively unknown.</p>

**National Petrochemical & Refiners Association v. EPA**  
**Alliance of Automobile Manufacturers v. EPA**

Name and Date	Description
<p data-bbox="170 501 753 602"><u>National Petrochemical &amp; Refiners Association v. EPA</u> (D.C. Cir., filed January 3, 2011)</p>	<p data-bbox="863 501 1976 998">A coalition of automobile manufacturers and engine makers sued EPA over a rule that would allow the use of gasoline with up to 15% ethanol in vehicles from model years 2007 and newer, alleging that it violates the Clean Air Act. Ethanol content in gasoline is currently limited to 10%. On October 13, 2010, EPA announced that it would grant a partial waiver allowing vehicles from model years 2007 and newer to use gasoline with up to 15% ethanol. The petitioners allege that the CAA does not allow such a partial waiver.</p>
<p data-bbox="226 729 699 829"><u>Alliance of Automobile Manufacturers v. EPA</u> (D.C. Cir., filed Dec. 20, 2010)</p>	

## Climate Solutions v. Cowlitz County

Name and Date	Description
<p><u>Climate Solutions v. Cowlitz Co.</u> (Washington State Shorelines Hearings Bd., filed Dec. 13, 2010)</p>	<p>Several environmental groups filed an appeal to the Washington State Shorelines Hearings Board, seeking to delay the opening of a major coal export facility. The petition alleges that county commissioners erred in determining that the project would not have a significant enough effect on the environment to require an environmental impact statement under the State Environmental Policy Act (SEPA). The petition alleges that the county should have examined, among other things, the GHG emissions that would be emitted by the coal. The facility is expected to export 5.7 million tons of coal annually.</p>

## *U.S. v. Northern Indiana Public Service Co.*

Name and Date	Description
<u><i>U.S. v. Northern Indiana Public Service Co.</i></u> (N.D. Cal., settlement dated Jan. 13, 2011)	A power company in northern Indiana agreed to spend approximately \$600 million over the next eight years to improve pollution controls as part of a settlement of a case alleging that the company violated the Clean Air Act. The settlement requires that the company spend \$9.5 million on environmental mitigation projects and pay a \$3.5 million fine. Under the agreement, the company will make improvements at three of its four coal-fired power plants to meet emission rates and annual tonnage limitations. The company is also required to permanently retire its fourth plant, which is currently out of service.

## *Holland v. Michigan Dept. of Natural Resources & Env.*

Name and Date	Description
<p><u><i>Holland v. Michigan Dept. of Natural Resources &amp; Env.</i></u> (Ottawa Co. Mich. Cir. Ct. Dec. 15, 2010)</p>	<p>A state trial court in Michigan held that the Michigan Department of Natural Resources and Environment acted outside its constitutional and statutory authority in denying a company's expansion of its coal-fired power plant. The court found that the agency's decision was based on an executive order by former Governor Jennifer Granholm which required regulators to deny permits for coal-fired plants unless the utilities can show no alternatives are available. Because the decision was based on the Governor's "capricious" policy change and not on compliance with air quality standards as outlined under state law, the agency's decision was arbitrary.</p>

## *Sierra Club v. Moser*

Name and Date	Description
<p data-bbox="247 501 684 545"><u><i>Sierra Club v. Moser</i></u></p> <p data-bbox="132 558 789 662">(Kansas Ct. App., filed Jan. 14, 2011)</p>	<p data-bbox="863 501 1990 846">The Sierra Club petitioned a Kansas appellate court seeking to overturn a permit allowing Sunflower Electric Power Corporation to build a coal-fired power plant. The petition alleges that the Kansas Department of Health and Environmental violated the Clean Air Act and accepted bogus data when it approved the plant's permit in December 2010.</p>

## *United States v. EME Homer City Generation LP*

Name and Date	Description
<u><i>United States v. EME Homer City Generation LP</i></u> (W.D. Penn., filed Jan. 6, 2011)	The U.S. Justice Department filed a lawsuit in federal court alleging that current and former owners and operators of a coal-fired power plant in western Pennsylvania violated the Clean Air Act by making major modifications to two electric generating units without obtaining required permits or installing proper emissions controls. According to the complaint, the defendants made major modifications to one boiler unit in 1991 and to another unit in 1994, which resulted in significantly increased pollutant emissions. The complaint alleges that sulfur dioxide emissions at the plant total 100,000 tons a year, making it one of the largest air pollution sources in the nation.

## *Koch Industries v. John Does 1-25*

Name and Date	Description
<u><i>Koch Industries v. John Does 1-25</i></u> (D. Utah, filed Dec. 28, 2010)	Koch Industries filed a lawsuit seeking to punish anonymous pranksters who claimed in a fake press release posted on the internet that it was discontinuing funding to climate denial groups. The lawsuit alleges that defendants issued the fake press release and set up a fake website with the intent to deceive and confuse the public, to disrupt and harm Koch Industries' business and reputation, and that as a result the company's business and reputation were harmed.
<u><i>Koch Industries v. John Does 1-25</i></u> (D. Utah May 9, 2011)	A federal court in Utah dismissed the lawsuit. In its decision, the court held that the company could not disclose the identities of any of the members of the organization, Youth for Climate Truth, that had put out the fake news release. In addition, the court held that the company's trademarks had not been violated because there was no commercial competition between it and Youth for Climate Truth. It also dismissed the company's claim that the copying of its website violated anti-computer hacking laws and the terms of use it posted.

## Name and Date

## Description (squib)

- *Coalition for Responsible Regulation v. EPA*  
(D.C. Cir. No. 09-1322)
- *National Mining Association v. EPA*  
(D.C. Cir. No. 10-1024)
- *Peabody Energy Co. v. EPA*  
(D.C. Cir. No. 10-1025)
- *American Farm Bureau Federation v. EPA*  
(D.C. Cir. No. 10-1026)
- *Chamber of Commerce v. EPA*  
(D.C. Cir. No. 10-1030)
- *Southeastern Legal Foundation v. EPA*  
(D.C. Cir. No. 10-1035)
- *Virginia v. EPA*  
(D.C. Cir. No. 10-1036)
- *Gerdau Ameristeel v. EPA*  
(D.C. Cir. No. 10-1037)
- *American Iron and Steel Institute v. EPA*  
(D.C. Cir. No. 10-1038)
- *Alabama v. EPA*  
(D.C. Cir. No. 10-1039)
- *Ohio Coal Association v. EPA*  
(D.C. Cir. No. 10-1040)
- *Texas v. EPA*  
(D.C. Cir. No. 10-1041)
- *Utility Air Regulatory Group v. EPA*  
(D.C. Cir. No. 10-1042)
- *National Association of Manufacturers v. EPA*  
(D.C. Cir. No. 10-1044)
- *Competitive Enterprise Institute v. EPA*  
(D.C. Cir. No. 10-1045)
- *Portland Cement Association v. EPA*  
(D.C. Cir. No. 10-1046)
- *Alliance for Natural Climate v. EPA*  
(D.C. Cir. No. 10-1049)

These 17 lawsuits were filed by states and industry groups on or before the deadline for challenging EPA's December 2009 [finding](#) that greenhouse gas emissions endanger public health and welfare. They have been consolidated under one case name, [Coalition for Responsible Regulation v. EPA](#) (D.C. Cir. 09-1322). There have been numerous intervening parties.

On June 18, 2010, the D.C. Circuit Court of Appeals ruled that these consolidated appeals would be held in abeyance until EPA resolved pending [petitions](#) to reconsider its endangerment finding. The D.C. Circuit set a deadline of August 16, 2010 for EPA to issue such a reconsideration (see below).

On July 19, 2010, EPA [denied](#) the petitions that asked the agency to reconsider its December 2009 [endangerment finding](#).

## Name and Date

- *Coalition for Responsible Regulation v. EPA*  
(D.C. Cir. No. 10-1092)
- *Southeastern Legal Foundation v. EPA*  
(D.C. Cir. No. 10-1094) ±
- *American Iron and Steel Institute v. EPA*  
(D.C. Cir. No. 10-1134)
- *Competitive Enterprise Institute v. EPA*  
(D.C. Cir. No. 10-1143) ±
- *Ohio Coal Association v. EPA*  
(D.C. Cir. No. 10-1144) ±
- *Mark Levin v. EPA*  
(D.C. Cir. No. 10-1152)
- *Gerdau Ameristeel U.S. Inc. v. EPA*  
(D.C. Cir. No. 10-1156)
- *Energy Intensive Manufacturers Working Group v. EPA*  
(D.C. Cir. No. 10-1158)
- *Portland Cement Association v. EPA*  
(D.C. Cir. No. 10-1159)
- *U.S. Chamber of Commerce v. EPA*  
(D.C. Cir. No. 10-1160)
- *Utility Air Regulatory Group v. EPA*  
(D.C. Cir. No. 10-1161)
- *National Mining Association v. EPA*  
(D.C. Cir. No. 10-1162)
- *Peabody Energy Co. v. EPA*  
(D.C. Cir. No. 10-1163)
- *American Farm Bureau Association v. EPA*  
(D.C. Cir. No. 10-1164)
- *National Association of Manufacturers v. EPA*  
(D.C. Cir. No. 10-1166)
- *American Forest and Paper Association v. EPA*  
(D.C. Cir. No. 10-1172)
- *Texas v. EPA*  
(D.C. Cir. No. 10-1182)

## Description (squib)

These 17 lawsuits were filed by states and industry groups challenging EPA's final rule establishing GHG emissions from cars and light trucks. EPA published the emission limits and fuel economy increase on [May 7, 2010](#) in a final joint rulemaking with the National Highway Traffic Safety Administration (75 Fed. Reg. 25324).

On August 20, 2010, these cases were consolidated under [Coalition for Responsible Regulation v. EPA](#), Index No. 10-1092 (D.C. Cir.).

## Name and Date

- [\*Georgia Coalition for Sound Env. Policy v. EPA\*](#)  
(D.C. Cir. No. 10-1200)
- [\*National Mining Association v. EPA\*](#)  
(D.C. Cir. No. 10-1201)
- [\*American Farm Bureau Fed. v. EPA\*](#)  
(D.C. Cir. No. 10-1202)
- [\*Peabody Energy Company v. EPA\*](#)  
(D.C. Cir. No. 10-1203)
- [\*Center for Biological Diversity v. EPA\*](#)  
(D.C. Cir. No. 10-1205)
- [\*Energy Intensive Manufacturers v. EPA\*](#)  
(D.C. Cir. No. 10-1206)
- [\*South Carolina Public Service v. EPA\*](#)  
(D.C. Cir. No. 10-1207)
- [\*Mark Levin v. EPA\*](#)  
(D.C. Cir. No. 10-1208)
- [\*National Alliance of Forest Owners v. EPA\*](#)  
(D.C. Cir. No. 10-1209)
- [\*National Env. Developers v. EPA\*](#)  
(D.C. Cir. No. 10-1210)
- [\*Alabama v. EPA\*](#)  
(D.C. Cir. No. 10-1211)
- [\*Utility Air Regulatory Group v. EPA\*](#)  
(D.C. Cir. No. 10-1212)
- [\*Missouri Joint Mun. Ele. Util. Commission v. EPA\*](#)  
(D.C. Cir. No. 10-1213)
- [\*Sierra Club v. EPA\*](#)  
(D.C. Cir. No. 10-1215)
- [\*Clean Air Implementation Project v. EPA\*](#)  
(D.C. Cir. No. 10-1216)
- [\*National Association of Manufacturers v. EPA\*](#)  
(D.C. Cir. No. 10-1218)
- [\*National Federation of Independent Businesses v. EPA\*](#)  
(D.C. Cir. No. 10-1219)
- [\*Portland Cement Association v. EPA\*](#)  
(D.C. Cir. No. 10-1220)
- [\*Louisiana Department of Env. Quality v. EPA\*](#)  
(D.C. Cir. No. 10-1221)
- [\*Perry v. EPA\*](#)  
(D.C. Cir. No. 10-1222)

## Description (squib)

These 20 lawsuits were filed by states, nonprofits, and industry groups challenging EPA's [greenhouse gas tailoring rule](#) under the Clean Air Act which was issued on June 3, 2010, which limits federal regulation to large stationary GHG sources. The deadline to file a challenge was August 2, 2010.

These 20 cases were consolidated under [Georgia Coalition for Sound Environmental Policy, Inc. v. EPA](#) (D.C. Cir. No. 10-1200) on August 12, 2010.

On September 3, 2010, this case was consolidated with [Southeastern Legal Foundation v. EPA](#) (D.C. Cir. No. 10-1131). The consolidated case was named [Southeastern Legal Foundation v. EPA](#) (D.C. Cir. No. 10-1131).

In November 2010, the consolidated case [Southeastern Legal Foundation v. EPA](#) (D.C. Cir. No. 10-1131) was further consolidated under [Coalition for Responsible Regulation v. EPA](#) (D.C. Cir. Index No. 10-1073).

## Name and Date

- [Southeastern Legal Foundation v. EPA](#)  
(D.C. Cir. No. 10-1131)
- [Coalition for Responsible Regulation v. EPA](#)  
(D.C. Cir. No. 10-1132)
- [American Iron and Steel Institute v. EPA](#)  
(D.C. Cir. No. 10-1147)
- [Gerdau Ameristeel U.S. Inc. v. EPA](#)  
(D.C. Cir. No. 10-1148)
- [Ohio Coal Association v. EPA](#)  
(D.C. Cir. No. 10-1145)
- [Chamber of Commerce v. EPA](#)  
(D.C. Cir. No. 10-1199)

## Description (squib)

These six lawsuits were filed by states, nonprofits, and industry groups challenging EPA's [greenhouse gas tailoring rule](#) under the Clean Air Act which was issued on June 3, 2010, which limits federal regulation to large stationary GHG sources. The deadline to file a challenge was August 2, 2010.

These 6 cases were initially consolidated under [Southeastern Legal Foundation v. EPA](#) (D.C. Cir. No. 10-1131).

On September 3, 2010, this case was consolidated with [Georgia Coalition for Sound Environmental Policy, Inc. v. EPA](#) (D.C. Cir. No. 10-1200). The consolidated case was named [Southeastern Legal Foundation v. EPA](#) (D.C. Cir. No. 10-1131).

In November 2010, the consolidated case [Southeastern Legal Foundation v. EPA](#) (D.C. Cir. No. 10-1131) was further consolidated under [Coalition for Responsible Regulation v. EPA](#) (D.C. Cir. Index No. 10-1073).

## Name and Date

- [Coalition for Responsible Regulation v. EPA](#)  
(D.C. Cir. No. 10-1073)
- [Southeastern Legal Foundation v. EPA](#)  
(D.C. Cir. No. 10-1083)
- [Clean Air Implementation Project v. EPA](#)  
(D.C. Cir. No. 10-1099)
- [American Iron and Steel Institute v. EPA](#)  
(D.C. Cir. No. 10-1109)
- [Gerdau Ameristeel U.S. Inc. v. EPA](#)  
(D.C. Cir. No. 10-1110)
- [Energy Intensive Manufacturers v. EPA](#)  
(D.C. Cir. No. 10-1114)
- [Center for Biological Diversity v. EPA](#)  
(D.C. Cir. No. 10-1115)
- [Peabody Energy Company v. EPA](#)  
(D.C. Cir. No. 10-1118)
- [Am. Farm Bureau Federation v. EPA](#)  
(D.C. Cir. No. 10-1119)
- [National Mining Association v. EPA](#)  
(D.C. Cir. No. 10-1120)
- [Utility Air Regulatory Group v. EPA](#)  
(D.C. Cir. No. 10-1122)
- [Chamber of Commerce v. EPA](#)  
(D.C. Cir. No. 10-1123)
- [Missouri Joint Mun. Ele. Util. Commission v. EPA](#)  
(D.C. Cir. No. 10-1124)
- [National Env. Dev. v. EPA](#)  
(D.C. Cir. No. 10-1125)
- [Ohio Coal Association v. EPA](#)  
(D.C. Cir. No. 10-1126)
- [National Association of Manufacturers v. EPA](#)  
(D.C. Cir. No. 10-1127)
- [Texas v. EPA](#)  
(D.C. Cir. No. 10-1128)
- [Portland Cement Association v. EPA](#)  
(D.C. Cir. No. 10-1129)

## Description (squib)

These 18 lawsuits were filed by states, nonprofits, and industry groups challenging [a rule](#) issued by EPA that will cover GHG emissions from new and modified stationary sources starting January 2, 2011.

These 18 cases were consolidated on September 8, 2010 under [Coalition for Responsible Regulation v. EPA](#) (D.C. Cir. No. 10-1073).

In November 2010, this case was consolidated with [Southeastern Legal Foundation v. EPA](#) (D.C. Cir. Index No. 10-1131 with the consolidated case name of [Coalition for Responsible Regulation v. EPA](#) (D.C. Cir. Index No. 10-1073).

On January 28, 2011, the D.C. Circuit granted Arizona's motion to withdraw from a case challenging EPA's authority to regulate GHG emissions from large new and modified stationary sources. Arizona had initially defended EPA's authority to do so. However, Arizona's new Attorney General, citing a need to protect states' rights, filed a motion to withdraw from the case.

## Name and Date

- *Coalition for Responsible Regulation v. EPA*  
(D.C. Cir. No. 10-1234)
- *Chamber of Commerce v. EPA*  
(D.C. Cir. No. 10-1235)
- *Southeastern Legal Foundation v. EPA*  
(D.C. Cir. No. 10-1239)
- *Peabody Energy Company v. EPA*  
(D.C. Cir. No. 10-1245)
- *Texas v. EPA*  
(D.C. Cir. No. 10-1281)
- *Pacific Legal Foundation v. EPA*  
(D.C. Cir. No. 10-1310)
- *Competitive Enterprise Institute v. EPA*  
(D.C. Cir. No. 10-1318)
- *Virginia v. EPA*  
(D.C. Cir. No. 10-1319)
- *Utility Air Regulatory Group v. EPA*  
(D.C. Cir. No. 10-1320)
- *Ohio Coal Association v. EPA*  
(D.C. Cir. No. 10-1321)

## Description (squib)

These 10 lawsuits were filed by states and industry groups challenging EPA's [denial](#) of petitions to reconsider its [2009 endangerment finding](#).

These 10 cases were consolidated under [Coalition for Responsible Regulation v. EPA](#) (D.C. Cir. No. 10-1234).

In Nov. 2010, these cases were consolidated under [Coalition for Responsible Regulation v. EPA](#) (D.C. Cir. Index No. 09-1322).

On December 10, 2010, the D.C. Circuit [denied](#) all pending motions to stay EPA's regulations of greenhouse gases, some of which are scheduled to take effect on January 2, 2011. The court also directed that the cases be scheduled for oral argument on the same day before the same panel.

***Building Industry Association of Washington v. Washington State  
Building Code Council***

Name and Date	Description
<p><u><i>Building Industry Association of Washington v. Washington State Building Code Council</i></u> (W.D. Wash. Feb. 7, 2011)</p>	<p>A federal district court in Washington state granted summary judgment in favor of the Washington State Building Code Council and several intervenors concerning claims that proposed amendments to the Washington State Energy Code are preempted by various federal regulations on the basis that they would require homes to have HVAC, plumbing, or water heating equipment whose efficiency exceeds controlling federal standards. Specifically, the court found that the Energy Policy and Conservation Act's "building code exception" applies to the disputed amendments. This exception allows state and local governments to set energy efficiency targets for new residential construction which can be reached with equipment or products whose efficiencies exceed federal standards, provided the enabling legislation also includes other means to achieve the targets with products that do not exceed the federal standards.</p>

## *Alaska Community Action on Toxics v. Aurora Energy Services, LLC*

Name and Date	Description
<p data-bbox="107 500 814 716"><u><i>Aurora Community Action on Toxics v. Aurora Energy Services, LLC</i></u> (D. Alaska, Jan. 10, 2011)</p>	<p data-bbox="863 500 1980 1101">A district court denied an energy company's motion to dismiss, holding that several environmental groups may maintain their action alleging that coal-contaminated dust, slurry, water and snow is being discharged from a coal loading facility into a bay in violation of the CWA. Although the facility has a NPDES permit, the plaintiffs alleged that the permit applies to storm water discharges and that it fails to cover discharges stemming from the facility's conveyor system as well as from wind and snow. In denying the motion to dismiss, the court held that the fact that the pollutants travel for some distance through the air did not defeat liability under the CWA.</p>

## *Environmental Integrity Project v. Lower Colorado River Authority*

Name and Date	Description
<u><i>Environmental Integrity Project v. Lower Colorado River Authority</i></u> (S.D. Texas, filed March 7, 2011)	Three environmental groups filed a lawsuit against a public utility, alleging that it emitted excessive levels of particulate matter from its coal-fired electricity generating plant without making pollution control upgrades as required by the Clean Air Act. The complaint alleges that the facility is violating the CAA's prevention of significant deterioration requirements under new source review by making major modifications to the power plant's main units and failing to obtain necessary permits, install best available control technology, reduce emissions, and comply with requirements for monitoring, recordkeeping, and reporting.

## *Alaska Oil and Gas Association v. Salazar*

Name and Date	Description
<u><i>Alaska Oil and Gas Association v. Salazar</i></u> (D. Alaska, filed March 1, 2011)	An oil and gas association filed a lawsuit against the Interior Department seeking to overturn its December 2010 decision designating 187,157 square miles of area as critical habitat for polar bears, alleging that it will impede oil company operations without providing meaningful benefits to polar bears. The complaint alleged that the designation of so much habitat was not supported by science and violated the ESA and the Administrative Procedure Act.

## *Utility Air Regulatory Group v. EPA*

Name and Date	Description
<p><u><i>Utility Air Regulatory Group v. EPA</i></u> (D.C. Cir., Index No. 11-1037, filed Feb. 28, 2011)</p>	<p>An electric power company trade group and several other entities challenged two EPA rules to facilitate GHG emissions permitting in seven states. The rules allow EPA to impose a federal implementation plan on seven states whose laws and regulations would have prevented them from initiating GHG emissions permitting on January 2, 2011, the date on which GHG emissions permitting took effect. The seven states are Arizona, Arkansas, Florida, Idaho, Kansas, Oregon, and Wyoming. The other entities challenging these rules are Texas, SIP/FIP Advocacy Group, and various mining and energy industry coalitions.</p>

## *Chase Power Development, LLC v. EPA*

Name and Date	Description
<p data-bbox="113 500 810 602"><u><i>Chase Power Development, LLC</i></u> <u><i>v. EPA</i></u> (D.C. Cir., filed Feb. 28, 2011)</p>	<p data-bbox="863 500 1990 1052">A company in Texas filed a lawsuit challenging EPA's takeover of GHG emissions permitting in Texas. The lawsuit challenges a rule known as the "greenhouse gas SIP Call," which requires states to change their air quality state implementation plans to allow them to issue permits for GHG emissions from large new and modified stationary sources such as power plants. The rule allows EPA to issue federal implementation plans in states that either would not or were unable to change their own laws and regulations and their state implementation plans by January 2, 2011 to allow PSD permitting for GHG emissions.</p>

## *Sierra Club v. EPA*

Name and Date	Description
<u><i>Sierra Club v. EPA</i></u> (N.D. Cal., filed Feb. 23, 2011)	The Sierra Club sued EPA seeking to recover 350,000 pages of documents that allegedly demonstrate Clean Air Act violations by five coal-fired power plants in Texas, contending that EPA failed to respond to its Freedom of Information Act (FOIA) request in a timely manner. The complaint alleges that the documents demonstrate the power company's knowing violation of the CAA and, as such, release of the documents is in the public interest, and a balance of the equities demonstrates that the organization should have access to the documents.

## *Alliance of Automobile Manufacturers v. EPA*

Name and Date	Description
<u><i>Alliance of Automobile Manufacturers v. EPA</i></u> (D. C. Cir., filed Feb. 16, 2011)	Four industry groups sued EPA after it granted a waiver under the Clean Air Act allowing gasoline containing 15% ethanol (referred to as “E15”) to be used in model year 2011-06 cars and light trucks. EPA approved E15 for use in model year 2001-06 cars and light trucks on January 26, 2011. The previous limit on ethanol in gasoline had been 10%. That limit still applies to vehicles older than model year 2001 due to concerns that the corrosive nature of ethanol would damage engines and emissions controls. However, testing by the Department of Energy has found that newer vehicles can use the fuel blend safely. In <a href="#">January 2011</a> , industry groups challenged a rule allowing E15 for model year 2007 and newer vehicles.

**Texas v. EPA**  
**Utility Air Regulatory Group v. EPA**  
**SIP/FIP Advocacy Group v. EPA**

Name and Date	Description
<p style="text-align: center;"><u>Texas v. EPA</u> (D. C. Cir., filed Feb. 11, 2011)</p>	<p>Texas and two industry groups filed lawsuits challenging an EPA rule that requires states to adopt laws and regulation allowing them to issue permits for large new and modified stationary sources for GHG emissions. The lawsuits challenge a rule known as the “greenhouse gas SIP Call,” which requires states to change their air quality state implementation plans to allow them to issue permits for GHG emissions from large new and modified stationary sources such as power plants. The rule allows EPA to issue federal implementation plans in states that either would not or were unable to change their own laws and regulations and their state implementation plans by January 2, 2011 to allow PSD permitting for GHG emissions. Texas has refused to implement PSD permitting requirements for GHG emissions, and EPA has assumed PSD permitting for GHG emissions in the state.</p>
<p style="text-align: center;"><u>Utility Air Regulatory Group v. EPA</u> (D.C. Cir., filed Feb. 11, 2011)</p>	
<p style="text-align: center;"><u>SIP/FIP Advocacy Group v. EPA</u> (D.C. Cir., filed Feb. 11, 2011)</p>	

## Montana Environmental Information Center v. BLM

Name and Date	Description
<p><u>Montana Env. Information Center</u> <u>v. BLM</u> (D. Montana, filed Feb. 7, 2011)</p>	<p>A coalition of environmental groups sued the Bureau of Land Management (BLM) for allegedly failing to concerning the climate change impacts of oil and gas leasing on public lands in Montana and the Dakotas. The groups alleged that the Interior Department failed to control the release of methane from oil and gas development on nearly 60,000 acres of leases sold in 2008 and December 2010 in violation of NEPA. The environmental groups settled an earlier action under which BLM agreed to suspend the 2008 leases and conduct a supplement EIS of their climate change impacts. In August 2010, BLM said that emissions from developing these leases could not be tied to specific climate change impacts and decided to move forward with issuing the 2008 leases and a new round of 2010 leases.</p>

## *Semiconductor Industry Association v. EPA*

Name and Date	Description
<p data-bbox="212 501 716 602"><u><i>Semiconductor Industry Association v. EPA</i></u> (D.C. Cir., filed Jan. 31, 2011)</p>	<p data-bbox="863 501 1986 1403">An industry association filed a petition in the D.C. Circuit seeking a review of the EPA greenhouse gas reporting rule for sources of fluorinated GHGs. The final rule, which was published on December 1, 2010, applies to electronics production, fluorinated gas production, imports, and exports of pre-charged equipment or closed-cell foams containing fluorinated GHGs, and the use and manufacture of electricity transmission and distribution equipment. Facilities in these categories that emit at least 25,000 tons of CO<sub>2</sub>e of fluorinated GHGs are required to report these emissions. Data collection was required to begin January 1, 2011 and the first reports are due by March 31, 2012. According to the association, the rule in its current form requires semiconductor companies to measure emissions in a technically infeasible manner and also gives EPA access to highly valuable proprietary data which could compromise critical trade secrets and other sensitive information.</p>

**American Gas Association v. EPA**  
**Gas Processors Association v. EPA**  
**Interstate Natural Gas Association v. EPA**

Name and Date	Description
<u>American Gas Association v. EPA</u> (D. C. Cir., filed Jan. 28, 2011)	Three industry groups filed petitions seeking to change elements of an EPA rule that will require oil and natural gas companies to report their GHG emissions. The final rule, announced by EPA November 9, 2010, requires oil and natural gas systems that emit at least 25,000 metric tons per year of CO <sub>2</sub> e to collect data on their emissions. Data collection was required beginning on January 1, 2011 and the first reports are due to EPA by March 31, 2012.
<u>Gas Processors Association v. EPA</u> (D.C. Cir., filed Jan. 28, 2011)	
<u>Interstate Natural Gas Association v. EPA</u> (D.C. Cir., filed Feb. 31, 2011)	

## *Pacific Merchant Shipping Association v. EPA*

Name and Date	Description
<u><i>Pacific Merchant Shipping Association v. EPA</i></u> (9 <sup>th</sup> Cir. March 28, 2011)	The Ninth Circuit upheld California rules requiring oceangoing vessels traveling within 24 miles of the state's coastline to switch to low-sulfur fuels, rejecting the shipping industry's argument that the state lacked legal authority to impose the rules on vessels outside of its three-mile coastal jurisdiction. Affirming the district court, the circuit court held that the plaintiff failed to establish that the Submerged Lands Act preempts the state rules. In a previous decision in 2008 ( <i>Pacific Merchant Shipping Association v. Goldstene</i> (9 <sup>th</sup> Cir. 2008)), the Ninth Circuit held that the state could not enforce a rule that established emissions standards for auxiliary engines that oceangoing vessels use for producing steam and heating water and heavy fuel oil without a waiver under the Clean Air Act.

## *Valley Advocates v. City of Atwater*

Name and Date	Description
<p data-bbox="153 501 779 618"><u><i>Valley Advocates v. City of Atwater</i></u> (Cal. Ct. App. March 23, 2011)</p>	<p data-bbox="858 501 1969 1000">A nonprofit group that advocates for responsible development filed a lawsuit challenging the adequacy of an environmental review under the California Environmental Quality Act (CEQA) of a project to construct and operate a wastewater treatment plant. The nonprofit alleged, among other things, that the final environmental impact statement (FEIS) failed to analyze the project's GHG emissions. The trial court dismissed the lawsuit on the grounds that the nonprofit did not exhaust its administrative remedies. The appellate court affirmed on the same grounds.</p>

## *United States v. Midwest Generation LLC*

Name and Date	Description
<u><i>United States v. Midwest Generation LLC</i></u> (N.D. Ill. March 16, 2011)	A federal court for the second time dismissed claims that a power company is responsible for Clean Air Act (CAA) violations at five plants it owns in Illinois in 1999, holding that the government had not offered any new facts to support its arguments. The government alleged that the company should be liable for prevention of significant deterioration (PSD) requirements at the five plants that occurred before the company purchased them. The court dismissed these claims in March 2010 but allowed the government to file an amended complaint offering new evidence of the company's liability.

## *Power Inn Alliance v. County of Sacramento Env. Management Dept.*

Name and Date	Description
<u><i>Power Inn Alliance v. County of Sacramento Env. Management Dept.</i></u> (Cal. Ct. App. March 15, 2011)	A coalition of businesses and property owners brought suit against Sacramento County alleging that the county violated CEQA when it issued a negative declaration concerning a permit to reopen a solid waste facility. Among other things, the coalition alleged that a study prepared by the county did not sufficiently discuss the project's GHG emissions. The trial court dismissed the challenge. On appeal, the appellate court affirmed, holding that the project was small enough such that it was unnecessary to engage in further discussion of its GHG emissions.

## *United States v. Alabama Power Co.*

Name and Date	Description
<p data-bbox="163 505 758 743"><u><i>United States v. Alabama Power Co.</i></u> (N.D. Alabama March 14, 2011)</p>	<p data-bbox="858 505 1961 1052">A federal court granted a power company's motion for summary judgment, holding that the United States had relied on inadequate export reports when it reclassified the state's repaired coal-fired power plants as new sources of pollution subject to more stringent standards under the CAA. The court rejected the methodology used by the experts in calculating emissions resulting from the modifications, and drew a distinction between equipment that operates continuously and cycling equipment used by the power company, which operates on a regular basis but not continuously.</p>

## *Sierra Club v. Wyoming Dept. of Env. Quality*

Name and Date	Description
<u><i>Sierra Club v. Wyoming Dept. of Env. Quality</i></u> (Wyoming March 9, 2011)	The Wyoming Supreme Court upheld a state-issued air quality permit authorizing a power plant's construction of a proposed coal-to-liquid facility and an associated underground coal mine, rejecting the Sierra Club's claims that the permit failed to consider sulfur dioxide emissions from flares in determining the potential to emit.

## *Sierra Club v. Texas Commission on Env. Quality*

Name and Date	Description
<p data-bbox="226 505 699 548"><u><i>Sierra Club v. Texas</i></u></p> <p data-bbox="128 565 793 609"><u><i>Commission on Env. Quality</i></u></p> <p data-bbox="170 630 751 743">(Texas Dist. Ct. March 7, 2011)</p>	<p data-bbox="858 505 1986 950">A Texas trial court rejected the Sierra Club's claim that the Texas Commission on Environmental Quality violated state law when it granted air quality permits for a coal-fired power plant in Limestone County without considering any evidence concerning GHG emissions. The Sierra Club argued that the agency violated state air quality laws because it refused to consider carbon dioxide as a contaminant, as it was required to do under state law. The court did not explain its reasoning in upholding the agency's decision.</p>

## Wyoming v. EPA

Name and Date	Description
<p data-bbox="268 505 653 548"><u>Wyoming v. EPA</u></p> <p data-bbox="100 565 821 678">(10<sup>th</sup> Cir., filed Feb. Texas Dist. Ct. Feb. 10, 2011)</p>	<p data-bbox="863 505 1976 1305">Wyoming challenged EPA rules that allow the agency to assume permitting responsibilities from states unwilling or unable to establish their own permitting responsibilities concerning the CAA's PSD requirements for GHG emissions. After EPA required states to amend their state PSD programs to incorporate GHG emissions, 13 states failed to do so by the required deadline. EPA then found that the states' state implementation plans (SIPs) were inadequate and directed these states to submit corrective SIP revisions. Seven states, including Wyoming, did not do so. EPA then assumed GHG permitting authority for these states through a federal implementation plan. Wyoming alleges that EPA has exceeded its authority and required the state to meet an unreasonable deadline. Texas has also filed suit against EPA on similar grounds. A blog entry analyzing these legal challenges is available <a href="#">here</a>.</p>

## *Woodward Park Homeowners' Association v. City of Fresno*

Name and Date	Description
<u><i>Woodward Park Homeowner's Association v. City of Fresno</i></u> (Cal. Ct. App. Feb. 9, 2011)	A California state appellate court affirmed a lower court decision which denied a petition by a homeowner's association concerning the environmental review of a commercial development under CEQA. Among other things, the association alleged that the city should have required solar panels as a way to reduce the project's greenhouse gas emissions. The lower court held that the city properly analyzed the project's impacts and did not have to consider solar panels.

**Grocery Manufacturers Association v. EPA**  
**National Petrochemical & Refiners Association v. EPA**

Name and Date	Description
<p data-bbox="191 500 737 613"><u>Grocery Manufacturers Association v. EPA</u></p> <p data-bbox="165 630 758 743">(D.C. Cir., filed March 11, 2011)</p> <p data-bbox="136 760 787 873"><u>National Petrochemical &amp; Refiners Association v. EPA</u></p> <p data-bbox="165 889 758 998">(D.C. Cir., filed March 11, 2011)</p>	<p data-bbox="863 500 1990 846">Industry groups and various related organizations filed petitions for review of EPA's Clean Air Act waiver authorizing the use of gasoline containing 15 percent ethanol for use in model year 2001-06 cars and light trucks. The petitions supplement filings that challenged EPA's original waiver to allow so-called E15 in gasoline for model year 2007 and newer cars and light trucks.</p>

## *Sierra Club v. U.S. Dept. of Energy*

Name and Date	Description
<u><i>Sierra Club v. U.S. Dept. of Energy</i></u> (D.D.C., filed March 10, 2011)	The Sierra Club filed a lawsuit against the Department of Energy, alleging that the agency violated NEPA when it awarded federal funding to a coal-fired power plant in Mississippi. The complaint alleges that DOE failed to properly weigh reasonable alternatives, fully disclose the plant's environmental impacts, or consider the cumulative impact of GHG emissions from the plant. The complaint alleges that the plant, along with a nearby strip mine which would supply the coal, would emit 5.7 million tons of carbon dioxide annually.

## *Alaska v. Salazar*

Name and Date	Description
<p data-bbox="256 500 667 548"><u><i>Alaska v. Salazar</i></u></p> <p data-bbox="165 565 751 678">(D. Alaska, filed March 9, 2011)</p>	<p data-bbox="863 500 1982 850">Alaska filed a lawsuit seeking to overturn the Department of Interior's establishment of critical habitat for polar bears. The lawsuit alleges that the designation of 187,157 square miles of habitat is unnecessary and will not provide any new protections for the species. In 2008, DOI found that polar bears are "threatened" because of a loss of sea ice habitat caused by climate change.</p>

## *California Dump Truck Owners Assoc. v. Cal. Air Resources Bd.*

Name and Date	Description
<u><i>California Dump Truck Owners Association v. Cal. Air Resources Bd.</i></u> (E. D. Cal., filed March 1, 2011)	An industry group filed suit against CARB, alleging that the agency's truck and bus regulation, which is part of a number of regulations under AB 32 to address greenhouse gas regulations, is preempted by the Federal Aviation Administration Authorization Act of 1994. The regulation at issue sets stricter emissions standards for dump trucks and other diesel-fuel vehicles beginning in 2012, and will require replacement of older vehicles beginning in 2015.

## *Chamber of Commerce v. EPA*

Name and Date	Description
<u><i>Chamber of Commerce v. EPA</i></u> (D.C. Cir. April 29, 2011)	<p>The D.C. Circuit dismissed a lawsuit filed by the U.S. Chamber of Commerce and a trade group representing car dealers on standing grounds, upholding an EPA waiver allowing California to set standards for greenhouse gas (GHG) emissions from cars and light trucks. The petitioners argued that the California standards would make it harder for manufacturers to make light trucks and other high-emitting but popular vehicles, and that the standards would cause sales to drop by making cars more expensive. In a unanimous decision, the court rejected this argument as too speculative and that, in any event, the claim was moot because California has agreed to synchronize its own rules with federal fuel economy standards for model year 2012 and beyond. Because the petitioners could not show how their members would be injured, they lacked standing to maintain the action.</p>

## Alabama v. TVA

Name and Date	Description
<p data-bbox="275 505 653 548"><u>Alabama v. TVA</u></p> <p data-bbox="132 565 789 678">(E.D. Tenn., settled April 14, 2011)</p>	<p data-bbox="863 505 1986 1149">The Tennessee Valley Authority agreed to invest between \$3-5 billion in new air pollution controls and retire almost one-third of its coal-fired generating units as part of a settlement reached with EPA, several states, and a number of public interest groups. The agreement resolves allegations by EPA that TVA violated Clean Air Act rules at 11 coal-fired power plants in Alabama, Kentucky, and Tennessee. Under the agreement, TVA will be required to reduce emissions of nitrogen oxides by 69 percent and sulfur dioxide by 67 percent from 2008 emissions levels. As part of the agreement, TVA will invest \$350 million over the next five years in clean energy projects. The agreement also requires TVA to pay a civil penalty of \$10 million.</p>

## *Western Watersheds Project v. BLM*

Name and Date	Description
<u><i>Western Watersheds Project v. BLM</i></u> (D. Nevada March 28, 2011)	A federal district court in Nevada denied a motion filed by several environmental nonprofits to preliminarily enjoin the BLM from authorizing the site clearing and construction of a wind energy facility in the state, holding that the groups were not likely to succeed on their claim that an EIS was required under NEPA. The court held that BLM's decision to forego issuing an EIS was justified by the adoption of significant mitigation measures to offset potential environmental impacts. In addition, BLM sufficiently considered the cumulative impacts of the project and took the requisite "hard look" as required. Further, the court held that denial of the motion would not result in irreparable harm to several species and that a delay of the program would harm federal renewable energy goals.

## *United States v. Pacific Gas and Electric*

Name and Date	Description
<u><i>United States v. Pacific Gas &amp; Electric</i></u> (N.D. Cal. March 3, 2011)	An environmental nonprofit sought to intervene for purposes of objecting to a proposed consent decree concerning a power plant located near Antioch, California. In 2009, EPA filed a complaint alleging that Pacific Gas & Electric constructed and operated the plant in violation of the New Source Review program under the CAA. The parties entered into settlement negotiations and requested that the court approve a consent decree. The nonprofit group moved to intervene, alleging that the decree is a federal agency action that requires EPA to consult with the Fish and Wildlife Service regarding the possible effect of the decree on the endangered Lange Metalmark butterfly. The district court denied the motion, holding that the motion was not timely given that the group waited for 15 months after public notice of the settlement and the decree was not an agency action under the Endangered Species Act.

## *Sierra Club v. Texas Commission on Env. Quality*

Name and Date	Description
<u><i>Sierra Club v. Texas Commission on Env. Quality</i></u> (Texas Dist. Ct., Travis Co., filed May 9, 2011)	Two environmental nonprofits filed a lawsuit challenging a Texas state agency's approval of a coal-fired power plant in Corpus Christi, alleging that the state incorrectly evaluated possible air pollution from the facility and is in violation of CAA regulations.

## *Texas v. EPA*

Name and Date	Description
<u><i>Texas v. EPA</i></u> (D.C. Cir., filed May 4, 2011)	Texas filed suit against the EPA, challenging a final rule issued by the agency extending its takeover of the state's GHG permitting authority under the CAA. The lawsuit challenges an EPA final rule under Section 110 of the CA that removed the agency's prior approval of Texas' state implementation plan for the prevention of significant deterioration after the state said that it would not implement a GHG permitting program. The lawsuit alleges that EPA's rule is arbitrary and capricious, an abuse of discretion, and contrary to the CAA. The final rule allows the state to continue issuing permits for other pollutants such as sulfur dioxide and nitrogen oxides. In 2010, Texas sued EPA challenging the interim final rule ( <i>Texas v. EPA</i> , Index No. 10-1425 (D.C. Cir.)).

## *Alec L. v. Jackson*

Name and Date	Description
<u><i>Alec L. v. Jackson</i></u> (N.D. Cal., filed May 4, 2011)	A nonprofit group filed lawsuits in California federal court and 10 states against the federal government, alleging that the public trust doctrine required them to reduce GHG emissions and implement reforestation programs to fight climate change. The lawsuits are seeking a 6 percent reduction in global GHG emissions every year, along with widespread global reforestation.

## *National Wildlife Federal v. EPA*

Name and Date	Description
<p><u><i>National Wildlife Federation v. EPA</i></u> (D.C. Cir., filed April 18, 2011)</p>	<p>An environmental nonprofit sued EPA following the agency's denial of its petition to reconsider a rule that sets criteria for renewable fuels. The lawsuit alleged that the rule violates a provision of the Energy Independence and Security Act (EISA) that is meant to protect native grasslands from being converted into feedstocks for biofuel production. The nonprofit and other environmental groups petitioned EPA's March 2010 rule that sets criteria for determining which biofuels meet the renewable fuels standard, arguing that the rule failed to require producers to verify that crops and crop residues used to produce renewable fuel complied with applicable land-use restrictions.</p>

## *Center for Biological Diversity v. EPA*

Name and Date	Description
<p><u><i>Center for Biological Diversity v. EPA</i></u> (D.C. Cir., filed April 7, 2011)</p>	<p>Several environmental advocacy groups filed a lawsuit challenging EPA's decision to grant an industry petition to reconsider portions of its greenhouse gas (GHG) tailoring rule by deferring for three years GHG permitting requirements for industries that burn biomass. On March 21, 2011, EPA <b>proposed</b> delaying for three years GHG permitting requirements for new and modified industrial facilities that use wood, crop residues, grass, and other biomass for energy under its GHG tailoring rule. According to EPA, it will use the time to seek further independent scientific analysis of biomass emissions and develop a rule that lays out whether they should be considered emissions that trigger CAA GHG permitting requirements.</p>

## *WildEarth Guardians v. Salazar*

Name and Date	Description
<p data-bbox="191 501 730 618"><u><i>WildEarth Guardians v. Salazar</i></u> (D.D.C., filed April 4, 2011)</p>	<p data-bbox="858 501 1990 1255">Three environmental groups filed suit against the Department of the Interior (Dol), alleging that it failed to properly plan leasing in the Powder River Basin in Wyoming. The lawsuit alleges that that Dol and BLM violated the Administrative Procedure Act by refusing to manage the area as a “coal producing region.” Such a designation would put more regulatory requirements on BLM to plan the management of leases instead of managing them under the current competitive leasing process. According to the complaint, the basin produces about 42 percent of the country’s coal. The complaint was filed two weeks after Dol announced four further lease sales for 758 million tons of coal, as well as four records of decision offering for development coal tracts in the basin estimated to produce 1.6 million tons of coal.</p>