

SAM HIRSCH
Acting Assistant Attorney General
Environment and Natural Resources Division

BEVERLY LI
Trial Attorney
Natural Resources Section
P.O. Box 7611
Washington, D.C. 20044-7611
Phone: (202) 353-9213
Fax: (202) 305-0506
beverly.li@usdoj.gov

RONALD C. MACHEN
United States Attorney

Attorneys for Federal Defendants

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

INTERNATIONAL CENTER FOR)	
TECHNOLOGY ASSESSMENT, and)	
CENTER FOR FOOD SAFETY,)	
)	
Plaintiffs,)	
)	Case No. 1:14-CV-00549-RBW
v.)	
)	
COUNCIL ON ENVIRONMENTAL)	
QUALITY and MICHAEL BOOTS,)	
ACTING CHAIR, COUNCIL ON)	
ENVIRONMENTAL QUALITY,)	
)	
Defendants.)	
)	

DEFENDANTS' MOTION TO DISMISS

Federal Defendants hereby move to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(1) because Plaintiffs' claims are now moot. On August 7, 2014, the Council on

Environmental Quality (“CEQ”) responded to Plaintiff International Center for Technology Assessment’s 2008 Petition (“Petition”), which had requested that CEQ amend its regulations under the National Environmental Policy Act (“NEPA”) and issue NEPA guidance regarding greenhouse gas emissions and climate change impacts. Because CEQ has responded to the Petition, Plaintiffs’ claim that CEQ has failed to timely respond to the Petition in violation of the Administrative Procedure Act, 5 U.S.C. § 551 *et seq.*, is no longer live, and this Court can grant no effective relief. Therefore, Plaintiffs’ claims are now moot, and this case must be dismissed.¹

For the foregoing reasons and the reasons in Defendants’ Memorandum that accompanies this Motion, this Court should grant Defendants’ Motion to Dismiss. A proposed order is attached hereto.

Respectfully submitted this 8th day of August, 2014,

SAM HIRSCH
Acting Assistant Attorney General
Environment and Natural Resources Division
/s/ Beverly Li
BEVERLY LI
Trial Attorney
Natural Resources Section
P.O. Box 7611
Washington, D.C. 20044-7611
Phone: (202) 353-9213
Fax: (202) 305-0506
beverly.li@usdoj.gov

RONALD C. MACHEN
United States Attorney

Attorney for Federal Defendants

¹ Because no administrative record is necessary to resolve this Motion, Defendants do not submit an index of the administrative record with this Motion. *See* Local Rule 7(n). In the event that this case is not dismissed for lack of jurisdiction and Plaintiffs’ claims proceed on the merits, CEQ will prepare an administrative record as appropriate.

CERTIFICATE OF SERVICE

I hereby certify that on August 8, 2014, I electronically filed the foregoing (1) Defendants' Motion to Dismiss, (2) Defendants' Memorandum in Support of Motion to Dismiss, and (3) [Proposed] Order Granting Defendants' Motion to Dismiss with the Clerk of the Court using the CM/ECF system, which will effect service on the following:

Peter T. Jenkins
pjenkins@centerforfoodsafety.org

George Kimbrell
gkimbrell@centerforfoodsafety.org

Aurora Paulsen
apaulsen@centerforfoodsafety.org

Attorneys for Plaintiffs

/s/ Beverly Li
Attorney for Federal Defendants