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11 Attorneys for Defendants, SOUTH COAST
12 AIR QUALITY MANAGEMENT DISTRICT, et al.

13 UNITED STATES DISTRICT COURT
14 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

15
16 ENGINE MANUFACTURERS
ASSOCIATION,

17 Plaintiff,

18 WESTERN STATES PETROLEUM
19 ASSOCIATION,

20 Plaintiff-in-Intervention

21 v.

22 SOUTH COAST AIR QUALITY
MANAGEMENT DISTRICT
23 ("SCAQMD"); WILLIAM A. BURKE,
SCAQMD Board Chairman; NORMA J.
24 GLOVER, SCAQMD Vice-Chairman;
MICHAEL D. ANTONOVICH, SCAQMD
25 Board Member; JANE W. CARNEY,
SCAQMD Board Member; CYNTHIA P.

Case No. 00-09065 FMC (BQRx)

[REDACTED] JUDGMENT

Courtroom 750
Hon. Florence-Marie Cooper
United States District Judge

1 COAD, SCAQMD Board Member;
 2 BEATRICE J.S. LAPISTO-KIRTLEY,
 3 SCAQMD Board Member; RONALD O.
 4 LOVERIDGE, SCAQMD Board Member;
 5 JON D. MIKELS, SCAQMD Board
 6 Member; LEONARD PAULITZ,
 7 SCAQMD Board Member; CYNTHIA
 8 VERDUGO-PERALTA, SCAQMD Board
 9 Member; S. ROY WILSON, SCAQMD
 10 Board Member; and BARRY R.
 11 WALLERSTEIN, SCAQMD Executive
 12 Officer,

Defendants.

13 NATURAL RESOURCES DEFENSE
 14 COUNCIL, INC., COALITION FOR
 15 CLEAN AIR, INC., COMMUNITIES
 16 FOR A BETTER ENVIRONMENT, INC.,
 17 PLANNING AND CONSERVATION
 18 LEAGUE, and SIERRA CLUB,

Defendants-in-Intervention.

19 Having considered the Stipulation for Entry of Judgment among Plaintiff Engine
 20 Manufacturers Association (“EMA”), Plaintiff-in-Intervention Western States Petroleum
 21 Association (“WSPA”), Defendants South Coast Air Quality Management District, et al.
 22 (together, “SCAQMD”), and Defendants-in-Intervention Natural Resources Defense Council,
 23 Inc., et al. (together, “NRDC”), having reviewed the material in the Court’s file, and being
 24 fully informed in this matter, the Court enters Judgment as follows:

25 1. SCAQMD Rules 1191, 1192, 1193, 1194, 1195, 1196, and 1186.1 (“Fleet
 26 Rules”) are not preempted by the Clean Air Act Section 209(a), 42 U.S.C. § 7543(a), in so far
 27 as they direct the purchasing, procuring, leasing, and contracting decisions of state and local
 28 government entities, including the State of California, counties, cities, and special districts, and
 private entities under contract to, or operating under an exclusive license or a franchise with,
 state and local government entities.

2. Consistent with the U.S. Supreme Court’s decision in *Engine Mfrs. Ass’n v. South Coast Air Quality Mgmt. Dist.*, 541 U.S. 246, 255 (2004), the Fleet Rules are preempted

1 by the Clean Air Act Section 209(a), 42 U.S.C. § 7543(a), in so far as they direct the
2 purchasing, procuring, leasing, and contracting decisions of federal government entities and
3 private entities that are not under contract to, or operating under an exclusive license or a
4 franchise with, state or local government entities.

5 3. This Judgment fully resolves all issues of fact and law raised in the above-
6 captioned case.

7 4. The Court retains continuing jurisdiction to enforce this Judgment.

8 5. Each party shall assume its own costs, including attorneys' fees.

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10 IT IS SO ADJUDGED, DECREED, AND ORDERED.

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12 Dated: Feb. 7, 2008


13 Hon. Florence Marie-Cooper
14 United States District Court Judge

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