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*official capacity as Executive Officer of the*  
 9 *California Air Resources Board, Mary D. Nichols in*  
*her official capacity as Chairman of the California*  
 10 *Air Resources Board, and Matt Rodriguez in his*  
*official capacity as Secretary of the California*  
 11 *Environmental Protection Agency*

12 IN THE UNITED STATES DISTRICT COURT  
 13 FOR THE EASTERN DISTRICT OF CALIFORNIA – SACRAMENTO

15 **OWNER-OPERATOR INDEPENDENT**  
 16 **DRIVERS ASSOCIATION, INC., et al.,**

2:14-cv-00186-MCE-AC

17 Plaintiffs,

18 v.

**DEFENDANTS' NOTICE OF MOTION**  
**AND MOTION FOR JUDGMENT ON**  
**THE PLEADINGS**

19 **RICHARD W. COREY in his official**  
**capacity as Executive Officer of the**  
**California Air Resources Board, et al.,**

20 Defendants.

Date: June 26, 2014  
 Time: 2:00 p.m.  
 Courtroom: 7  
 Judge: The Honorable Morrison C.  
 England, Jr.  
 Trial Date: None Set  
 Action Filed: December 6, 2013

1 TO PLAINTIFFS AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that on June 26, 2014, at 2:00 p.m., or as soon thereafter as the  
3 matter may be heard in the above-entitled court, located at 501 I Street, Courtroom 7, 14th Floor,  
4 Sacramento, California 95814, Defendants Richard W. Corey in his official capacity as Executive  
5 Officer of the California Air Resources Board, Mary D. Nichols in her official capacity as  
6 Chairman of the California Air Resources Board, and Matt Rodriquez in his official capacity as  
7 Secretary of the California Environmental Protection Agency, will move the Court for judgment  
8 on the pleadings, pursuant to Federal Rule of Civil Procedure 12(c), on the grounds that the Court  
9 lacks subject matter jurisdiction over plaintiff's suit and because, even if it retained jurisdiction,  
10 the United States Environmental Protection Agency would be a necessary and indispensable party.

11 This motion will be based on this notice of motion and motion, the memorandum of points  
12 and authorities filed with this notice, all pleadings and documents filed in this matter, and oral  
13 argument before this Court.

14 Dated: May 15, 2014

Respectfully Submitted,

15 KAMALA D. HARRIS  
16 Attorney General of California  
17 RANDY L. BARROW  
18 Supervising Deputy Attorney General

19 /s/ Nicholas Stern  
20 NICHOLAS STERN  
21 LINDA GÁNDARA  
22 COURTNEY COVINGTON  
23 Deputy Attorneys General  
24 *Attorneys for Defendants Richard W.  
25 Corey in his official capacity as Executive  
26 Officer of the California Air Resources  
27 Board, Mary D. Nichols in her official  
28 capacity as Chairman of the California Air  
Resources Board, and Matt Rodriquez in  
his official capacity as Secretary of the  
California Environmental Protection  
Agency*

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Notice of SIP motion.doc

CERTIFICATE OF SERVICE

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Case Name: **OWNER-OPERATOR INDEPENDENT DRIVERS ASSOCIATION, INC., et al. v. RICHARD W. COREY in his official capacity as Executive Officer of the California Air Resources Board; et al.** No. **1:13-CV-01998-LJO-SAB**

I hereby certify that on May 15, 2014, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

**DEFENDANTS' NOTICE OF MOTION AND MOTION FOR JUDGMENT ON THE PLEADINGS**

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on May 15, 2014, at Sacramento, California.

Nicholas Stern  
Declarant

*/s/ Nicholas Stern*  
Signature