

**ORAL ARGUMENT NOT YET SCHEDULED**

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

**CENTER FOR BIOLOGICAL  
DIVERSITY, ET AL.,**

Petitioners,

v.

**U.S. ENVIRONMENTAL PROTECTION  
AGENCY, ET AL.,**

Respondents.

No. 23-1019 (consolidated  
with 23-1020)

**JOINT MOTION FOR VOLUNTARY DISMISSAL**

Pursuant to Federal Rule of Appellate Procedure 42(b) and D.C. Circuit Rule 27(g), Petitioners and Respondents, (collectively, “the Parties”) hereby move for voluntary dismissal of the petitions in these consolidated cases, with each party to bear its own costs and fees. The Parties submit this motion in lieu of a further motion to govern future proceedings, due August 14, 2023 under the Court’s August 11, 2023 order (Doc. # 2012061). All Petitioners from the consolidated cases are joining in this motion. They are: the States of California, Connecticut, Illinois, Maryland, New Jersey, New York, Oregon, Vermont, and Washington, and the Commonwealths of

Massachusetts and Pennsylvania (State Petitioners), and Center for Biological Diversity, Friends of the Earth, and Sierra Club (Environmental Petitioners). In support of this motion, the Parties state:

1. These consolidated cases seek judicial review of an EPA action to revise particulate matter (PM) emission standards for commercial aircraft entitled: “Control of Air Pollution from Aircraft Engines: Emission Standards and Test Procedures,” 87 Fed. Reg. 72,312 (Aircraft PM Rule). The Parties here are all parties to a separate pair of consolidated petitions seeking judicial review of a previous EPA action to adopt greenhouse gas (GHG) emission standards for commercial aircraft entitled: “Control of Air Pollution from Aircraft Engines: Emission Standards and Test Procedures,” 86 Fed. Reg. 2136 (Jan. 11, 2021) (Aircraft GHG Rule). Given the overlapping questions of law and similar arguments in both sets of petitions, these cases have been held in abeyance pending decision on the Aircraft GHG Rule per the Court’s order of February 7, 2023.

2. This Court denied the petitions seeking review of the Aircraft GHG Rule on June 30, 2023, in *California v. EPA*, No. 21-1018.

3. The Parties have conferred with Movant-Intervenor for Respondent Aerospace Industries Association of America, Inc., which does not object to voluntary dismissal.

For the foregoing reasons, the Parties request that the Court grant this motion to voluntarily dismiss these consolidated Petitions for Review, with each party to bear its own costs and fees.

Dated: August 11, 2023

Respectfully submitted,

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## CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing Joint Motion for Voluntary Dismissal contains 336 words and was composed in Times New Roman font, 14-point. The motion complies with applicable type-volume, typeface, and type-style requirements.

/s/ Theodore McCombs  
Theodore McCombs

Deputy Attorney General for  
State of California

Dated: August 11, 2023



**CERTIFICATE OF SERVICE**

Case **Center for Biological** No. **23-1019**  
Name: **Diversity et al v. EPA, et al** \_\_\_\_\_

I hereby certify that on August 11, 2023, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

**JOINT MOTION FOR VOLUNTARY DISMISSAL**

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

/s/ Theodore McCombs  
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State of California

Dated: August 11, 2023