

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA**

THE STATE OF LOUISIANA,
By and through its Attorney General, JEFF
LANDRY, et al.,

PLAINTIFFS,

v.

JOSEPH R. BIDEN, JR., in his official capacity
as President of the United States; et al.,

DEFENDANTS.

CIVIL ACTION NO. 2:21-CV-1074-JDC-KK

MOTION FOR PRELIMINARY INJUNCTION

The States of Louisiana, Alabama, Florida, Georgia, Kentucky, Mississippi, South Dakota, Texas, West Virginia, and Wyoming (collectively “Plaintiff States”) respectfully move this Court for an order under Rule 65 of the Federal Rules of Civil Procedure granting a preliminary injunction, with expedited consideration, in their favor against the named Defendants in their official capacities. As explained in the Complaint and attached Memorandum, Defendants have violated the Administrative Procedure Act, Energy Policy and Conservation Act, Clean Air Act, National Environmental Policy Act, Mineral Leasing Act, and Outer Continental Shelf Lands Act by promulgating and implementing the SC-GHG Estimates. Defendants have also acted beyond any authority granted by Congress, which has never authorized the Executive to base regulatory policy upon global considerations.

This Motion is made on the grounds specified in this Motion; the Complaint; the accompanying Memorandum of Law; the exhibits attached to the Complaint and to this Motion; the supporting declarations of Joseph St. John, David Dismukes, and Anne Smith; all matters of which this Court may take judicial notice; and on such other and further oral or documentary evidence as may be presented to the Court. Plaintiff States are substantially likely to prevail on the merits of their claims and preliminary injunctive relief is necessary to avoid imminent and substantial injuries to their

sovereign, quasi-sovereign, and proprietary interests. And the public interest and balance of harms favor an order compelling Defendants to follow the law.

For these reasons and those explained in the accompanying memorandum, Plaintiff States respectfully request a preliminary injunction ordering Defendants to disregard the SC-GHG Estimates and prohibiting them from adopting, employing, treating as binding, or relying upon the work product of the Interagency Working Group. Plaintiff States also ask the Court to preliminarily enjoin Defendants from independently relying upon the IWG's illegal methodology considering global effects, artificially low discount rates, and arbitrary time horizons. Finally, Plaintiff States ask the Court to order the Defendants to return to the longstanding guidance of Circular A-4 in conducting regulatory analysis.

Dated: July 27, 2021

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**Admitted Pro Hac Vice*

***Motion for Pro Hac Vice admission forthcoming*