

CDTOA v. ARB Litigation Actions & Timelines Guide

Below is a brief summary of the likely course of our FAAAA litigation against the California Air Resources Board (ARB or CARB) referred to as, *CDTOA v. ARB*. It is still very early in the litigation process, and generally difficult to give members and interested parties any specific dates, but here is a general overview of the litigation actions and timelines:

- CARB must file an answer to the complaint filed on February 11, 2011, by March 5, 2011.
- Shortly thereafter, CDTOA legal counsel will acquire a hearing date (probably two months out) depending on the court's schedule.
- CDTOA legal counsel will file several pleadings setting forth all legal arguments under the FAAAA, including declarations and legal points and authorities.
- CARB will then file responsive papers.
- Once the hearing date comes, CDTOA legal counsel will go to court and argue the case.
- After the hearing, the court may do any of the following:
 1. Rule from the bench
 2. Take the matter under submission and rule at a later time
 3. Ask the parties for supplemental briefing on particular points of law
- At some point after the hearing, the judge will render a decision.
- Once that decision becomes final, the losing party can choose whether to appeal. The appeal would likely be filed by the loser and the court venue would be the 9th Circuit Court of Appeals.

Over the next few weeks we will get more clarity on scheduling and other matters, and will keep you posted.

We will also update this Litigation Actions & Timelines Guide as they occur.

Last Updated 2-22-11