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1 KURT R. WIESE, District Counsel (State Bar No. 127251)  
SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT  
2 21865 Copley Drive  
Diamond Bar, CA 91765-0940  
3 Tel: (909) 396-2302  
Fax: (909) 396-2961

4 DANIEL P. SELMI (State Bar No. 67157)  
5 919 S. Albany Street  
Los Angeles, CA 90015  
6 Tel: (213) 736-1098  
Fax: (213) 380-3769

7 FRAN M. LAYTON (State Bar No. 111788)  
8 WINTER KING (State Bar No. 237958)  
SHUTE, MIHALY & WEINBERGER LLP  
9 396 Hayes Street  
San Francisco, CA 94102  
10 Tel: (415) 552-7272  
Fax: (415) 552-5816

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 ENGINE MANUFACTURERS  
16 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**

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STIPULATION FOR ENTRY OF JUDGMENT  
Case No. 00-09065 FMC (BQRx)

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,

13 Defendants.

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

20 Defendants-in-Intervention.

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

27 1. SCAQMD Rules 1191, 1192, 1193, 1194, 1195, 1196, and 1186.1 (“Fleet  
28 Rules”) are not preempted by the Clean Air Act Section 209(a), 42 U.S.C. § 7543(a), in so far  
as they direct the purchasing, procuring, leasing, and contracting decisions of state and local  
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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