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**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

ROCKY MOUNTAIN FARMERS UNION,  
REDWOOD COUNTY MINNESOTA CORN  
AND SOYBEAN GROWERS, PENNY  
NEWMAN GRAIN, INC., GROWTH ENERGY,  
RENEWABLE FUELS ASSOCIATION, REX  
NEDEREND, FRESNO COUNTY FARM  
BUREAU, NISEI FARMERS LEAGUE, and  
CALIFORNIA DAIRY CAMPAIGN,

CASE NO. CV-F-09-2234 LJO DLB  
*consolidated with*  
CASE NO. CV-F-10-163 LJO DLB

**ORDER ON AMICUS CURIAE REQUESTS**  
(Docs. 176, 177)

Plaintiffs,

vs.

JAMES N. GOLDSTENE, Executive Officer  
of the California Air Resources Board,

Defendants.

\_\_\_\_\_  
and related intervenor actions  
\_\_\_\_\_ /

Two motions for leave to file an amicus curiae brief are pending before this Court. On February 28, 2011, Clean Energy Fuels, Inc. (“Clean Energy”) moved to file an amicus brief. On March 1, 2011, the States of Nebraska, Kansas, Michigan, Missouri, North Dakota, and South Dakota (“States”) moved to file an amicus curiae brief in the above-titled actions. This Court ordered oppositions to the motions, if any, to be filed no later than March 9, 2011. On March 8, 2011, all plaintiffs filed a statement of non-opposition to the motions. On March 9, 2011, defendants and intervenor defendants filed a statement

1 of non-opposition. For good cause appearing, this Court GRANTS Clean Energy's and States'  
2 unopposed motions.

3 **DISCUSSION**

4 "There is no inherent right to file an amicus curiae brief with the Court." *Long v. Coast Resorts,*  
5 *Inc.*, 49 F. Supp. 2d 1177, 1178 (D. Nev. 1999). This Court retains broad discretion to either permit or  
6 reject the appearance of amicus curiae. *Gerritsen v. de la Madrid Hurtado*, 819 F.2d 1511, 1514 (9th  
7 Cir. 1987). "A court may grant leave to appear as an amicus if the information offered is timely and  
8 useful." *Waste Management of Pennsylvania, Inc.*, 162 F.R.D. 34, 36 (M.D. Pa. 1995). "An amicus brief  
9 should normally be allowed when a party is not represented competently or is not represented at all."  
10 *Ryan v. Commodity Futures Trading Comm.*, 125 F.3d 1062, 1063 (7th Cir. 1997). "District courts  
11 frequently welcome amicus briefs from non-parties...if the amicus has unique information or perspective  
12 that can help the court beyond the help that the lawyers from the parties are able to provide." *Sonoma*  
13 *Falls Developers, L.L.C. v. Nev. Gold & Casinos, Inc.*, 272 F. Supp. 2d 919, 925 (N.D. Cal. 2003)  
14 (quotations omitted). In addition, participation of amicus curiae may be appropriate where legal issues  
15 in a case have potential ramifications beyond the parties directly involved. *Id.*

16 Here, all parties agree that the participation of Clean Energy and the States are appropriate, and  
17 that the legal issues have potential ramifications to these proposed amici curiae. In addition, the Court  
18 notes that the proposed amicus curiae memoranda are brief and present a unique position not represented  
19 by the parties. Accordingly, good cause appears to grant the unopposed motions to file amicus curiae  
20 briefs.

21 **CONCLUSION AND ORDER**

22 For the foregoing reasons, and under the foregoing conditions, this Court GRANTS Clean  
23 Energy's and the States' amicus curie motions.

24 IT IS SO ORDERED.

25 **Dated: March 10, 2011**

/s/ Lawrence J. O'Neill  
UNITED STATES DISTRICT JUDGE