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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

STATE OF CALIFORNIA, et al.,

Plaintiffs,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, et al.,

Defendants.

Case No. [18-cv-03237-HSG](#)

**ORDER MODIFYING JUDGMENT
AND DENYING MOTION TO STAY**

Re: Dkt. No. 145

The Court fully incorporates the factual background from its prior order denying EPA's Rule 60(b) motion. *See California v. United States EPA*, No. 18-cv-03237-HSG, 2019 U.S. Dist. LEXIS 192206, at *3 (N.D. Cal. Nov. 5, 2019).

On October 22, 2020, the Ninth Circuit reversed the Court's order denying EPA's Rule 60(b) motion to modify an injunction which required EPA to promulgate its federal landfill emissions plan by November 6, 2019. *California v. United States EPA*, 978 F.3d 708, 719 (9th Cir. 2020). EPA had promulgated new regulations changing the regulatory deadline underpinning the injunction. *Id.* at 711. The Ninth Circuit held that "EPA's new regulations ha[d] removed the legal basis for the court's deadline" and that the Court had "refuse[d] to modify an injunction based on superseded law." *Id.* at 717, 719. The Ninth Circuit remanded "with instructions for the district court to modify the injunction consistent with this opinion." *Id.* at 719.

As directed by the Ninth Circuit, the Court modifies the injunction to eliminate the obligation "to promulgate regulations setting forth a federal plan, as required by 40 C.F.R. § 60.27(d), no later than November 6, 2019." *See California v. United States EPA*, 385 F. Supp. 3d 903, 916 (N.D. Cal. 2019).

In October 2019, while the appeal of the Rule 60(b) motion was pending, Plaintiffs sought


United States District Court
Northern District of California

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review of EPA’s new regulation in the U.S. Court of Appeal for the District of Columbia Circuit. See Dkt. No. 145 at 2. On December 14, 2020, Plaintiffs filed a motion to stay in this case, asking the Court to stay the injunction pending resolution of the petition in the D.C. Circuit. *Id.* But now that the Court has made the modification mandated by the Ninth Circuit’s opinion, there is nothing to stay, because EPA has already complied with the remainder of the injunction. Accordingly, the Motion to Stay is **DENIED**.

IT IS SO ORDERED.

Dated: 1/19/2021


HAYWOOD S. GILLIAM, JR.
United States District Judge