

Benjamin Rankin (Cal. Bar No. 352371)
CENTER FOR BIOLOGICAL DIVERSITY
1411 K St. NW, Ste. 1300
Washington, D.C. 20005
Phone: 202-849-8402
Email: brankin@biologicaldiversity.org

Jonathan Evans (Cal. Bar No. 247376)
CENTER FOR BIOLOGICAL DIVERSITY
2100 Franklin St., Ste. 375
Oakland, CA 94612
Phone: 213-598-1466
Email: jevans@biologicaldiversity.org

Counsel for Plaintiffs Center for Biological
Diversity and Center for Environmental Health

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

CENTER FOR BIOLOGICAL DIVERSITY
and CENTER FOR ENVIRONMENTAL
HEALTH,

Plaintiffs,

v.

LEE ZELDIN,

in his official capacity as Administrator,
United States Environmental Protection
Agency,

Defendant.

Civil Action No. 25-cv-03143

**COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF**

(Clean Air Act, 42 U.S.C. §§ 7401 *et. seq.*)

INTRODUCTION

1. This is a Clean Air Act “deadline” suit against Lee Zeldin, in his official capacity as Administrator of the United States Environmental Protection Agency (EPA), for his failure to perform mandatory duties that will protect people, ecosystems, and wildlife from dangerous exposure to ozone air pollution.

2. Ground-level ozone is the principal component of what people commonly refer to as smog. Ozone pollution can cause decreased lung function, increased respiratory symptoms, emergency department visits, hospital admissions for respiratory causes, and even premature mortality. Those most at risk from ozone pollution are children; active people, *e.g.*, runners and people who do manual labor outside; people with pre-existing lung and heart diseases such as asthma; and older people.

3. Ozone also damages vegetation, both native vegetation and commercial crops. Damage to native vegetation results in ecosystem damage, including diminished ecosystem services, that is, the life-sustaining services that ecosystems provide to people for free, such as clean air, clean water, and carbon sequestration.

4. To better protect the public from the damage caused by ozone pollution, the EPA promulgated revised ozone National Ambient Air Quality Standards (NAAQS) in 2015. EPA then designated areas with ambient air monitors showing ozone concentrations above the NAAQS as “nonattainment” areas. The Clean Air Act provides that nonattainment areas have different classifications, depending on how severe their pollution problem is, and assigns them a date by which the areas must attain the 2015 ozone NAAQS.

5. The promulgation of revised ozone NAAQS creates various mandatory duties that EPA must perform in order to effectively implement the ozone NAAQS.

1 6. For nonattainment areas that fail to attain the 2015 ozone NAAQS by their attainment
2 date, EPA has a mandatory duty to find that the areas failed to attain the 2015 ozone NAAQS by
3 their attainment date, thus “bumping up” the nonattainment to the next level of nonattainment,
4 which requires them to better control ozone pollution.
5

6 7. EPA is in violation of its mandatory duty to issue a determination as to whether the
7 Mariposa County, California, and Phoenix-Mesa, Arizona, nonattainment areas have attained the
8 2015 ozone NAAQS by their attainment date and, if not, to bump those areas up from a
9 “moderate” to “serious” classification for the 2015 ozone NAAQS.
10

11 8. Accordingly, Plaintiffs CENTER FOR BIOLOGICAL DIVERSITY and CENTER FOR
12 ENVIRONMENTAL HEALTH bring this action against Defendant LEE ZELDIN, in his official
13 capacity as EPA Administrator, to compel him to perform his mandatory duties with respect to
14 the 2015 ozone NAAQS.
15

16 JURISDICTION

17 9. This case is a Clean Air Act citizen suit. Therefore, the Court has jurisdiction over this
18 action pursuant to 28 U.S.C. § 1331 (federal question jurisdiction) and 42 U.S.C. § 7604(a)
19 (Clean Air Act citizen suits).

20 10. This case does not concern federal taxes, is not a proceeding under 11 U.S.C. §§ 505 or
21 1146, and does not involve the Tariff Act of 1930. Thus, this Court has jurisdiction to order
22 declaratory relief under 28 U.S.C. § 2201. If the Court orders declaratory relief, 28 U.S.C. §
23 2202 authorizes this Court to issue injunctive relief.
24

25 NOTICE

26 11. Plaintiffs Center for Biological Diversity and Center for Environmental Health mailed to
27 EPA by certified mail, return receipt requested, written 60-day notice of their intent to sue
28

1 regarding the violations alleged herein. 42 U.S.C. § 7604(b)(2). The notice letter was postmarked
2 February 4, 2025. *See* 40 C.F.R. § 54.2(d) (providing that notice is given on the postmark date, if
3 served by mail). EPA received it no later than February 14, 2025. More than 60 days have passed
4 since Plaintiffs mailed this notice letter. EPA has not remedied the violations alleged in this
5 Complaint. Therefore, an actual controversy exists between the parties.
6

7 **VENUE**

8 12. Venue is proper in this Court under 28 U.S.C. § 1391(e) for several reasons. First,
9 Plaintiff Center for Environmental Health resides in the district with its headquarters in Oakland,
10 California, which is in the Northern California judicial district. Second, Defendant EPA has an
11 office and performs its official duties in this district. EPA's Region 9 headquarters are located at
12 75 Hawthorne Street, San Francisco, California. Third, a substantial part of the events or
13 omissions giving rise to the claims in this case occurred in the Northern District of California.
14

15 **DIVISIONAL ASSIGNMENT**

16 13. Pursuant to Civil L.R. 3-2(c) and (d), this case is properly assigned to the San Francisco
17 or Oakland Division of this Court because a substantial part of the events and omissions giving
18 rise to the claims in this case occurred in the County of San Francisco, where EPA Region 9 is
19 headquartered.
20

21 **PARTIES**

22 14. Plaintiff CENTER FOR BIOLOGICAL DIVERSITY is a non-profit 501(c)(3)
23 corporation incorporated and existing under the laws of the State of California, with its main
24 California office in Oakland. The Center for Biological Diversity has over 93,000 members
25 throughout the United States and the world. The Center for Biological Diversity's mission is to
26 ensure the preservation, protection, and restoration of biodiversity, native species, ecosystems,
27
28

1 public lands and waters, and public health through science, policy, and environmental law.

2 Based on the understanding that the health and vigor of human societies and the integrity and
3 wildness of the natural environment are closely linked, the Center for Biological Diversity is
4 working to secure a future for animals and plants hovering on the brink of extinction, for the
5 ecosystems they need to survive, and for a healthy, livable future for all of us.

6
7 15. Plaintiff CENTER FOR ENVIRONMENTAL HEALTH is a nonprofit corporation
8 organized and existing under the laws of the State of California, with its headquarters located in
9 Oakland. The Center for Environmental Health protects the public from toxic chemicals by
10 working with communities, consumers, workers, government, and the private sector to demand
11 and support business practices that are safe for public health and the environment. The Center
12 for Environmental Health works in pursuit of a world in which all people live, work, learn, and
13 play in healthy environments.

14
15 16. Center for Biological Diversity member Kevin Bundy enjoys hiking in Yosemite
16 National Park in Mariposa County, including with his family, and regularly visits the park to
17 hike while attending conferences in other parts of the county. Mr. Bundy pays attention to air
18 quality and refrains from hiking or spending considerable time outside when poor air quality
19 makes it unsafe. When he forgoes hiking in Yosemite National Park due to poor air quality, it
20 diminishes his enjoyment of Mariposa County places like Yosemite Valley, Merced Grove, and
21 the Chilnualna Falls Trail. His interests in those areas are also diminished when smog obstructs
22 their scenic views. Mr. Bundy is adversely affected by EPA's failure to issue a final
23 determination regarding the Mariposa County, California, nonattainment area.

24
25
26 17. Center for Biological Diversity members Mary K. Reinhart and Robert Ukeiley are
27 impacted by ozone pollution in the Phoenix-Mesa area. Ms. Reinhart has lived in Scottsdale,

1 Arizona, for over two decades. She has exercise-induced asthma but enjoys running and hiking
2 outdoors, including at locations such as the Phoenix Mountains Preserve and McDowell
3 Mountains, in part because she enjoys viewing desert wildlife, plants, and scenery. Her interests
4 in these activities are threatened by smog that obstructs views, impacts plants and wildlife, and
5 exacerbates respiratory illnesses like her asthma.
6

7 18. Mr. Ukeiley has family in Maricopa County, Arizona, whom he visits and plans to
8 continue visiting regularly. On his trips to Maricopa County, Mr. Ukeiley enjoys outdoor
9 activities by himself and with his family members, including in the McDowell Mountain
10 Regional Park, Tonto National Forest, and Desert Botanical Garden. However, his ability to
11 enjoy these activities is impaired by ozone pollution, which threatens himself and his family
12 members, including his aging mother. These members are adversely affected by EPA's failure to
13 issue a final determination regarding the Phoenix-Mesa, Arizona nonattainment area.
14

15 19. EPA's failure to act harms Plaintiffs' members by prolonging poor air quality conditions
16 that adversely affect or threaten their health, and by nullifying or delaying measures and
17 procedures mandated by the Act to protect their health from ozone pollution in places where they
18 live, work, travel, and recreate.
19

20 20. EPA's failure to act further harms Plaintiffs' members' welfare interest in using and
21 enjoying the natural environment. Elevated levels of ozone damage plant life, aquatic life,
22 natural ecosystems, and visibility, thus harming Plaintiffs' members' recreational and aesthetic
23 interests.
24

25 21. EPA's failure to timely perform the mandatory duties described herein also adversely
26 affects Plaintiffs, as well as their members, by depriving them of procedural protections and
27 opportunities, as well as information that they are entitled to under the Clean Air Act.
28

22. The above injuries will continue until the Court grants the relief requested herein. A court order requiring EPA to promptly undertake its mandatory duties would redress Plaintiffs' and Plaintiffs' members' injuries.

23. Defendant LEE ZELDIN is the Administrator of the EPA. Administrator Zeldin is charged with the duty to implement the Clean Air Act and to take required regulatory actions according to the schedules established by the Act, including the mandatory duties at issue in this case. Administrator Zeldin is sued in his official capacity.

LEGAL BACKGROUND AND FACTS

24. Congress enacted the Clean Air Act to "*speed up*, expand, and intensify the war against air pollution in the United States with a view to assuring that the air we breathe throughout the Nation is wholesome once again." H.R.Rep. No. 1146, 91st Cong., 2d Sess. 1,1, 1970 U.S. Code Cong. & Admin. News 5356, 5356 (emphasis added). To promote this, the Act requires EPA to set NAAQS for certain pollutants, including ozone. 42 U.S.C. §§ 7408, 7409; 40 C.F.R. § 50.19. NAAQS establish maximum allowable concentrations in the air of these pollutants.

25. Each NAAQS is supposed to be stringent enough to protect public health and welfare. 42 U.S.C. § 7409(b)(1), (b)(2). Effects on welfare include, but are not limited to, effects on soils, water, vegetation, manmade materials, wildlife, visibility (*i.e.*, haze), climate, damage to property, economic impacts, and effects on personal comfort and well-being. 42 U.S.C. § 7602(h).

26. In 2015, EPA strengthened the primary and secondary ozone NAAQS from 0.075 to 0.07 parts per million. 80 Fed. Reg. 65,292 (Oct. 26, 2015); 40 C.F.R. § 50.19.

1 27. After EPA promulgates a NAAQS, the Clean Air Act requires that EPA designate each
2 area of the country as either meeting that standard, known as “attainment” in Clean Air Act
3 jargon, or not meeting it, known as “nonattainment.” *See* 42 U.S.C. § 7407(d)(1)(A)–(B).

4 28. At the time of designation, nonattainment areas are classified by operation of law as
5 marginal, moderate, serious, severe, or extreme based on the severity of the area’s air pollution
6 problem. 42 U.S.C. § 7511(a)(1). This classification can change over time as the area’s air
7 quality improves, worsens, or remains the same. *Id.*

8 29. Moderate nonattainment areas for the 2015 ozone NAAQS had an attainment date of
9 August 3, 2024. 42 U.S.C. § 7511(a)(1) (requiring moderate ozone nonattainment areas to
10 achieve attainment within 6 years following the original designation date); 40 C.F.R. §
11 51.1303(a); 83 Fed. Reg. 25,776 (June 4, 2018) (designating the Phoenix-Mesa, Arizona, and
12 Mariposa County, California, as nonattainment areas for the 2015 ozone NAAQS).

13 30. The Mariposa County, California, and Phoenix-Mesa, Arizona, nonattainment areas are
14 moderate nonattainment areas for the 2015 ozone NAAQS. 87 Fed. Reg. 60,897 (Oct. 7, 2022)
15 (finding that these areas failed to attain, reclassifying them as moderate).

16 31. EPA must determine by no later than 6 months after the attainment date whether a
17 nonattainment area attained the NAAQS by its attainment date. 42 U.S.C. §§ 7509(c)(1),
18 7511(b)(2)(A).

19 32. For each area that failed to attain by its attainment date, it will be reclassified by
20 operation of law to the next higher classification. 42 U.S.C. § 7511(b)(2)(A).

21 33. No later than 6 months following the attainment date, EPA is required to publish notice in
22 the Federal Register of its determinations regarding whether a nonattainment area attained the
23
24
25
26
27
28

1 NAAQS by its attainment date and, if not, identify its reclassification. 42 U.S.C. §§ 7509(c)(2),
 2 7511(b)(2)(B).

3 34. Six months after the attainment date of August 3, 2024, was February 3, 2025, but EPA
 4 has not made or published a determination of whether the Phoenix-Mesa or Maricopa County
 5 nonattainment areas attained by the attainment date.
 6

7 35. This finding is important because, if EPA finds that a nonattainment area failed to attain
 8 by its attainment date, the state in which the nonattainment area is located must develop and
 9 submit to EPA a new, better nonattainment state implementation plan to bring the nonattainment
 10 area into attainment. *See* 42 U.S.C. § 7511a(c).
 11

12 CLAIM ONE

13 (Failure to make “bump up” determinations for the nonattainment areas)

14 36. Plaintiffs incorporate by reference all paragraphs listed above.

15 37. EPA designated the Mariposa County, California, and Phoenix-Mesa, Arizona, areas as
 16 nonattainment for the 2015 ozone NAAQS effective August 3, 2018. 83 Fed. Reg. 25,776 (June
 17 4, 2018). Therefore, these areas had a moderate attainment date of no later than August 3, 2024.
 18 42 U.S.C. § 7511(a)(1); 40 C.F.R. § 51.1303(a).
 19

20 38. Pursuant to 42 U.S.C. §§ 7509(c)(1) and 7511(b)(2)(A), EPA had a nondiscretionary duty
 21 to make final determinations no later than 6 months after the attainment date, that is, by February
 22 3, 2025, as to whether the Mariposa County, California, and Phoenix-Mesa, Arizona, moderate
 23 nonattainment areas attained the 2015 ozone NAAQS by their August 3, 2024, attainment date.
 24

25 39. EPA has not made such final determinations.

26 40. Furthermore, pursuant to 42 U.S.C. §§ 7509(c)(2) and 7511(b)(2)(B), EPA had a
 27 nondiscretionary duty to publish a final notice in the Federal Register no later than February 3,
 28 2025, identifying whether the Mariposa County, California, and Phoenix-Mesa, Arizona,

1 moderate nonattainment areas attained the 2015 ozone NAAQS by their attainment date.

2 41. EPA has not published such notice.

3 42. Accordingly, EPA is in violation of its mandatory duties under 42 U.S.C. §§ 7509(c)(1)
4 and 7511(b)(2)(A), as well as 42 U.S.C. §§ 7509(c)(2) and 7511(b)(2)(B), to determine whether
5 the Mariposa County, California, and Phoenix-Mesa, Arizona, moderate 2015 ozone NAAQS
6 nonattainment areas attained the 2015 ozone NAAQS by their attainment date and publish notice
7 of such determinations.
8

9 **RELIEF REQUESTED**

10 Plaintiffs respectfully request that the Court:

- 11 (A) Declare that the Administrator is in violation of the Clean Air Act with regard to his
12 failure to perform each mandatory duty listed above;
13
14 (B) Issue a mandatory injunction requiring the Administrator to perform his mandatory duties
15 by certain dates;
16
17 (C) Retain jurisdiction of this matter for purposes of enforcing and effectuating the Court's
18 order;
19
20 (D) Grant Plaintiffs their reasonable costs of litigation, including attorneys' and expert fees;
21 and
22
23 (E) Grant such further relief as the Court deems just and proper.

24 Respectfully submitted,

25 /s/ Benjamin T. Rankin
26 Benjamin Rankin (Cal. Bar No. 352371)
27 CENTER FOR BIOLOGICAL DIVERSITY
28 1411 K St. NW, Ste. 1300
Washington, D.C. 20005
Phone: 202-849-8402
Email: brankin@biologicaldiversity.org

Jonathan Evans (Cal. Bar No. 247376)
CENTER FOR BIOLOGICAL DIVERSITY
2100 Franklin St., Ste. 375
Oakland, CA 94612
Phone: 213-598-1466
Email: jevans@biologicaldiversity.org

Counsel for Plaintiffs Center for Biological
Diversity and Center for Environmental Health

DATED: April 8, 2025

I. PLAINTIFF(S)

Center for Biological Diversity; Center for Environmental Health

County of Residence of First Listed Plaintiff: Pima, AZ

Attorney or Pro Se Litigant Information (Firm Name, Address, and Telephone Number)

Benjamin Rankin; Ctr. for Biological Diversity; 1411 K St. NW, Ste. 1300, Washington, D.C., 20005; 202-849-8402
Jonathan Evans; Ctr. for Biological Diversity; 2100 Franklin St., Ste. 375, Oakland, CA 94612; 213-598-1466

DEFENDANT(S)

Lee Zeldin, in his official capacity as U.S. EPA Administrator

County of Residence of First Listed Defendant:

Defendant's Attorney's Name and Contact Information (if known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

☐ U.S. Government Plaintiff

☐ Federal Question (U.S. Government Not a Party)

☒ U.S. Government Defendant

☐ Diversity

III. CAUSE OF ACTION

Cite the U.S. Statute under which you are filing: (Use jurisdictional statutes only for diversity)

42 U.S.C. § 7604(a)(2)

Brief description of case: Clean Air Act "citizen suit" against U.S. EPA Administrator for failure to complete mandatory duties

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<div><input type="checkbox"/> 110 Insurance</div> <div><input type="checkbox"/> 120 Marine</div> <div><input type="checkbox"/> 130 Miller Act</div> <div><input type="checkbox"/> 140 Negotiable Instrument</div> <div><input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment</div> <div><input type="checkbox"/> 151 Medicare Act</div> <div><input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)</div> <div><input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits</div> <div><input type="checkbox"/> 160 Stockholders' Suits</div> <div><input type="checkbox"/> 190 Other Contract</div> <div><input type="checkbox"/> 195 Contract Product Liability</div> <div><input type="checkbox"/> 196 Franchise</div>	<div><div><div>PERSONAL INJURY</div><div><input type="checkbox"/> 310 Airplane</div><div><input type="checkbox"/> 315 Airplane Product Liability</div><div><input type="checkbox"/> 320 Assault, Libel & Slander</div><div><input type="checkbox"/> 330 Federal Employers' Liability</div><div><input type="checkbox"/> 340 Marine</div><div><input type="checkbox"/> 345 Marine Product Liability</div><div><input type="checkbox"/> 350 Motor Vehicle</div><div><input type="checkbox"/> 355 Motor Vehicle Product Liability</div><div><input type="checkbox"/> 360 Other Personal Injury</div><div><input type="checkbox"/> 362 Personal Injury -Medical Malpractice</div></div><div><div>PERSONAL INJURY</div><div><input type="checkbox"/> 365 Personal Injury – Product Liability</div><div><input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability</div><div><input type="checkbox"/> 368 Asbestos Personal Injury Product Liability</div></div><div><div>PERSONAL PROPERTY</div><div><input type="checkbox"/> 370 Other Fraud</div><div><input type="checkbox"/> 371 Truth in Lending</div><div><input type="checkbox"/> 380 Other Personal Property Damage</div><div><input type="checkbox"/> 385 Property Damage Product Liability</div></div><div><div>CIVIL RIGHTS</div><div><input type="checkbox"/> 440 Other Civil Rights</div><div><input type="checkbox"/> 441 Voting</div><div><input type="checkbox"/> 442 Employment</div><div><input type="checkbox"/> 443 Housing/ Accommodations</div><div><input type="checkbox"/> 445 Amer. w/Disabilities– Employment</div><div><input type="checkbox"/> 446 Amer. w/Disabilities–Other</div><div><input type="checkbox"/> 448 Education</div></div><div><div>PRISONER PETITIONS</div><div><input type="checkbox"/> 463 Alien Detainee</div><div><input type="checkbox"/> 510 Motions to Vacate Sentence</div><div><input type="checkbox"/> 530 General</div><div><input type="checkbox"/> 535 Death Penalty</div></div><div><div>HABEAS CORPUS</div><div><input type="checkbox"/> 540 Mandamus & Other</div><div><input type="checkbox"/> 550 Civil Rights</div><div><input type="checkbox"/> 555 Prison Condition</div><div><input type="checkbox"/> 560 Civil Detainee– Conditions of Confinement</div></div></div>	<div><input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC § 881</div> <div><input type="checkbox"/> 690 Other</div> <div><div>LABOR</div><div><input type="checkbox"/> 710 Fair Labor Standards Act</div><div><input type="checkbox"/> 720 Labor/Management Relations</div><div><input type="checkbox"/> 740 Railway Labor Act</div><div><input type="checkbox"/> 751 Family and Medical Leave Act</div><div><input type="checkbox"/> 790 Other Labor Litigation</div><div><input type="checkbox"/> 791 Employee Retirement Income Security Act</div></div> <div><div>IMMIGRATION</div><div><input type="checkbox"/> 462 Naturalization Application</div><div><input type="checkbox"/> 465 Other Immigration Actions</div></div>	<div><input type="checkbox"/> 422 Appeal 28 USC § 158</div> <div><input type="checkbox"/> 423 Withdrawal 28 USC § 157</div> <div><div>PROPERTY RIGHTS</div><div><input type="checkbox"/> 820 Copyrights</div><div><input type="checkbox"/> 830 Patent</div><div><input type="checkbox"/> 835 Patent–Abbreviated New Drug Application</div><div><input type="checkbox"/> 840 Trademark</div><div><input type="checkbox"/> 880 Defend Trade Secrets Act of 2016</div></div> <div><div>SOCIAL SECURITY</div><div><input type="checkbox"/> 861 HIA (1395ff)</div><div><input type="checkbox"/> 862 Black Lung (923)</div><div><input type="checkbox"/> 863 DIWC/DIWW (405(g))</div><div><input type="checkbox"/> 864 SSID Title XVI</div><div><input type="checkbox"/> 865 RSI (405(g))</div></div> <div><div>FEDERAL TAX SUITS</div><div><input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)</div><div><input type="checkbox"/> 871 IRS–Third Party 26 U.S.C. § 7609</div></div>	<div><input type="checkbox"/> 375 False Claims Act</div> <div><input type="checkbox"/> 376 Qui Tam (31 USC § 3729(a))</div> <div><input type="checkbox"/> 400 State Reapportionment</div> <div><input type="checkbox"/> 410 Antitrust</div> <div><input type="checkbox"/> 430 Banks and Banking</div> <div><input type="checkbox"/> 450 Commerce</div> <div><input type="checkbox"/> 460 Deportation</div> <div><input type="checkbox"/> 470 Racketeer Influenced & Corrupt Organizations</div> <div><input type="checkbox"/> 480 Consumer Credit</div> <div><input type="checkbox"/> 485 Telephone Consumer Protection Act</div> <div><input type="checkbox"/> 490 Cable/Sat TV</div> <div><input type="checkbox"/> 850 Securities/Commodities/ Exchange</div> <div><input type="checkbox"/> 890 Other Statutory Actions</div> <div><input type="checkbox"/> 891 Agricultural Acts</div> <div><input checked="" type="checkbox"/> 893 Environmental Matters</div> <div><input type="checkbox"/> 895 Freedom of Information Act</div> <div><input type="checkbox"/> 896 Arbitration</div> <div><input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision</div> <div><input type="checkbox"/> 950 Constitutionality of State Statutes</div>

V. ORIGIN (Place an "X" in One Box Only)

☒ Original Proceeding

☐ Removed from State Court

☐ Remanded from Appellate Court

☐ Reinstated or Reopened

☐ Transferred from Another District

☐ Multidistrict Litigation–Transfer

☐ Multidistrict Litigation–Direct File

VI. FOR DIVERSITY CASES ONLY: CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Plaintiff	Defendant
<input type="checkbox"/>	<input type="checkbox"/> Citizen of California
<input type="checkbox"/>	<input type="checkbox"/> Citizen of Another State
<input type="checkbox"/>	<input type="checkbox"/> Citizen or Subject of a Foreign Country
<input type="checkbox"/>	<input type="checkbox"/> Incorporated or Principal Place of Business In California
<input type="checkbox"/>	<input type="checkbox"/> Incorporated and Principal Place of Business In Another State
<input type="checkbox"/>	<input type="checkbox"/> Foreign Nation

VII. REQUESTED IN COMPLAINT

☐ Check if the complaint contains a **jury demand**.

☐ Check if the complaint contains a **monetary demand**. Amount:

☐ Check if the complaint seeks **class action** status under Fed. R. Civ. P. 23.

☐ Check if the complaint seeks a **nationwide injunction** or Administrative Procedure Act vacatur.

VIII. RELATED CASE(S) OR MDL CASE

Provide case name(s), number(s), and presiding judge(s).

IX. DIVISIONAL ASSIGNMENT pursuant to Civil Local Rule 3-2 (Place an "X" in One Box Only)

☒ SAN FRANCISCO/OAKLAND

☐ SAN JOSE

☐ EUREKA-MCKINLEYVILLE

COMPLETING THE CIVIL COVER SHEET

Complete the form as follows:

- I. Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. In land condemnation cases, the county of residence of the “defendant” is the location of the tract of land involved.
Attorney/Pro Se Litigant Information. Enter the firm name, address, telephone number, and email for attorney of record or pro se litigant. If there are several individuals, list them on an attachment.
- II. Jurisdiction.** Under Federal Rule of Civil Procedure 8(a), pleadings must establish the basis of jurisdiction. If multiple bases for jurisdiction apply, prioritize them in the order listed:
 - (1) *United States plaintiff.* Jurisdiction based on 28 U.S.C. §§ 1345 and 1348 for suits filed by the United States, its agencies or officers.
 - (2) *United States defendant.* Applies when the United States, its agencies, or officers are defendants.
 - (3) *Federal question.* Select this option when jurisdiction is based on 28 U.S.C. § 1331 for cases involving the U.S. Constitution, its amendments, federal laws, or treaties (but use choices 1 or 2 if the United States is a party).
 - (4) *Diversity of citizenship.* Select this option when jurisdiction is based on 28 U.S.C. § 1332 for cases between citizens of different states and complete Section VI to specify the parties’ citizenship. Note: Federal question jurisdiction takes precedence over diversity jurisdiction.
- III. Cause of Action.** Enter the statute directly related to the cause of action and give a brief description of the cause. Do not cite jurisdictional statutes unless jurisdiction is based on diversity. Example: U.S. Civil Statute: 47 U.S.C. § 553. Brief Description: Unauthorized reception of cable service.
- IV. Nature of Suit.** Check one of the boxes. If the case fits more than one nature of suit, select the most definitive or predominant.
- V. Origin.** Check one of the boxes:
 - (1) *Original Proceedings.* Cases originating in the United States district courts.
 - (2) *Removed from State Court.* Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C. § 1441. When the petition for removal is granted, check this box.
 - (3) *Remanded from Appellate Court.* Check this box for cases remanded to the district court for further action, using the date of remand as the filing date.
 - (4) *Reinstated or Reopened.* Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 - (5) *Transferred from Another District.* Check this box for cases transferred under Title 28 U.S.C. § 1404(a). Do not use this for within-district transfers or multidistrict litigation (MDL) transfers.
 - (6) *Multidistrict Litigation Transfer.* Check this box when a multidistrict (MDL) case is transferred into the district under authority of Title 28 U.S.C. § 1407.
 - (7) *Multidistrict Litigation Direct File.* Check this box when a multidistrict litigation case is filed in the same district as the Master MDL docket.
- VI. Residence (citizenship) of Principal Parties.** Mark for each principal party *only* if jurisdiction is based on diversity of citizenship.
- VII. Requested in Complaint.**
 - (1) *Jury demand.* Check this box if plaintiff’s complaint demanded a jury trial.
 - (2) *Monetary demand.* For cases demanding monetary relief, check this box and enter the actual dollar amount being demanded.
 - (3) *Class action.* Check this box if plaintiff is filing a class action under Federal Rule of Civil Procedure 23.
 - (4) *Nationwide injunction.* Check this box if plaintiff is seeking a nationwide injunction or nationwide vacatur pursuant to the Administrative Procedures Act.
- VIII. Related Cases.** If there are related pending case(s), provide the case name(s) and number(s) and the name(s) of the presiding judge(s). If a short-form MDL complaint is being filed, furnish the MDL case name and number.
- IX. Divisional Assignment.** Identify the divisional venue according to Civil Local Rule 3-2: “the county in which a substantial part of the events or omissions which give rise to the claim occurred or in which a substantial part of the property that is the subject of the action is situated.” Note that case assignment is made without regard for division in the following case types: Property Rights (Patent, Trademark and Copyright), Prisoner Petitions, Securities Class Actions, Anti-Trust, Bankruptcy, Social Security, and Tax.