APPENDIX

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United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

N0. 25-5122 **September Term, 2024**

1:25-cv-00698-TSC

Filed On: June 9, 2025 [2119776]

Climate United Fund, et al.,
Appellees

v.

Citibank, N.A.,
Appellee

Environmental Protection Agency and Lee M. Zeldin, in his official capacity as Administrator, United States Environmental Protection Agency,
Appellants

Consolidated with 25-5123

BEFORE: Pillard, Katsas, and Rao, Circuit Judges

ORDER

Upon consideration of the motion of movant Tarek Farag for leave to intervene as appellant, it is

ORDERED that the motion be denied.

Per Curiam

FOR THE COURT:
Clifton B. Cislak, Clerk

BY: /s/
Michael C. McGrail
Deputy Clerk

No. 25-5122
IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

CLIMATE UNITED FUND, ET AL..	Consolidated Case No:
Plaintiffs-Appellees,	**1:25-cv-00698 (TSC)**
v.	Case No:
CITIBANK, N.A., ET AL.	**1:25-cv-00820**
Defendants-Appellants.	

MOTION TO INTERVENE AS AN APPELLANT

Tarek Farag (hereinafter Farag) (pro se), states the following under oath:

1- In summary, **Farag doesn't see any justification for the parties to continue this case without disputing and proving that the facts he provided (proving that the Hoax is a hoax) are wrong, instead of trying to find a legal way to distribute fraudulent money**.

2- Farag filed almost the same exact motion to intervene as a defendant in case No: 1:25-cv-820 that was consolidated, with other cases, in case No. 1:25-cv-698 [Docket 72, 85] (United States District Court, For The District Of Columbia) that HJ Chutkan denied on 4/18/25 [has no Docket number], and further obstructed Farag's notice of appeal (filed 4/17/25) and his future filings.

3- On 5/7/25, Farag filed a petition for an Extraordinary Writ of Certiorari, to The Supreme Court. Farag was notified that it was returned without filing on 5/13/25.

4- HJ Chutkan's denial of Farag's intervention on 4/15/25 failed to acknowledge its missing pages or its substance, suggesting a lack of review. Her subsequent denial on 4/18/25, ignored Farag's concrete interest, as he is incurring costs enforcing "zero emission", "carbon free energy", "renewable portfolio- ", and "environmental cost recovery" as Farag's receipt showed, which are tied to

"low- and zero-emission products, technologies, and services" as the plaintiffs stated, which constitutes an injury-in-fact sufficient for intervention as of right. The EPA's claims that the funds' allocation involved "**criminal**" misconduct, further supports Farag's right to intervene to protect public interests. HJ Chutkan's failure to consider these factors and its denial without substantive reasoning constitute reversible error. See R & G Mortg. Corp. v. Fed. Home Loan Mortg. Corp., 584 F.3d 1, 7 (1st Cir. 2009) (denial of intervention as of right is appealable).

5- During the past years, especially after Farag couldn't convince the politicians that the Hoax is a hoax, or to get disputing facts from them, and after resorting to courts to stop the destructive effect of the Hoax, **no one ever disputed any of his facts** that proved it to be a hoax.

6- Farag's motion to intervene in District Court included simple undisputed arguments challenging the scientific basis of the claims that CO2 emissions cause harmful global warming, which he asserts that they are unsupported and fraudulent. HJ Chutkan failed to engage with these arguments, despite their relevance to the case. She had a duty to evaluate these claims, given their impact on public funds and policy, particularly in light of the EPA's allegations of fraud.

7- Upon the information Farag collected during his long research on the claims that "burning fossil fuel could cause harmful global warming" (hereinafter a **Hoax**), he believes that there is an International Criminal Enterprise that use the Hoax to enrich themselves, and sometimes just to cause destruction. It includes politicians, officials, lawyers, judges, business people, etc.

8- The dollars disputed are **$27 billion** (not million) that can spoil most people, and **once these billions are distributed, they will be gone forever**. The plaintiffs claim "*EPA can*

terminate a grant only if the grantee violates the grant's terms and conditions, engages in certain illegal activity, or misrepresents its eligibility status. None of these conditions is satisfied with respect to any Plaintiff—and EPA does not claim otherwise". which is not true. The defendant Mr. Zeldin found that the billions in dispute are the result **of fraud, waste, and abuse**. Just inserting these billions that will cause inflation in the Inflation Reduction Act is wrong. In addition, it is based on fraud and deception, and every one involved in recommending or approving the money should be investigated and prosecuted. In spite of referring this fraud to the FBI and DOJ, nothing happened.

9- Farag is an engineer having worked in many engineering fields, and did many scientific researches including his Masters and PhD in nuclear engineering. Was certified as a PE in Illinois in 1994, and have a few patents. However, he **disputes the Hoax with simple logic that a six-year-old can understand**. Farag devoted most of his time to research the effect of increasing CO2 after Obama's declaration that CO2 increase is causing harmful global warming. Farag finished his scientific studies, analysis, and calculations, using mainly the data contained in the technical reports generated by IPCC and NASA. which revealed serious fraud.

10- **Farag proved that there is no scientific basis for the Hoax**. He published his findings on May 2022, and on November 17, 2022, sent an open letter to UN Secretary General asking him to stop pushing countries into disasters due to the Hoax. However, he didn't receive any response and the push for the hoax continued. Around February 14, 2023, Farag sent another letter to him and to many politicians and decision makers, and complained to **US AG Merrick Garland, and to IL AG Kwamie Raoul**. However, he didn't get any disputes to his findings, or response.

11- **FARAG IS ENTITLED TO INTERVENE AS OF RIGHT**

Farag meets the requirements to intervene under Rule 24(a), which provides that "the court must permit anyone to intervene" only if the person:

> (1) is given an unconditional right to intervene by a federal statute; or
>
> (2) claims an interest relating to the property or transaction that is the subject of the action, and is so situated that disposing of the action may as a practical matter impair or impede the movant's ability to protect its interest, unless existing parties adequately represent that interest.

Under the first scenario, Farag has unconditional right and duty to intervene to protect the public interests and stop the fraud; in addition, without his intervention those billions will be lost forever. Under the second scenario, a petitioner must meet four criteria to intervene as of right: "(1) timely application; (2) an interest relating to the subject matter of the action; (3) potential impairment, as a practical matter, of that interest by the disposition of the action; and (4) lack of adequate representation of the interest by the existing parties to the action." Reich v. ABC/York-Estes Corp.,64 F.3d 316, 321 (7th Cir. 1995). Consistent with all other federal courts of appeal, the Ninth Circuit applies this test broadly in favor of intervention:

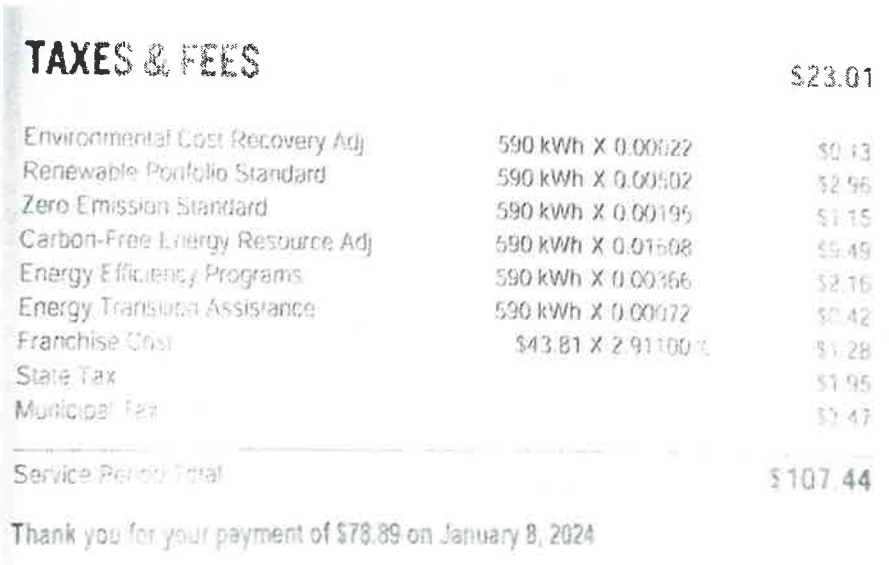
> "*A liberal policy in favor of intervention serves both efficient resolution of issues and broadened access to the courts. By allowing parties with a practical interest in the outcome of a particular case to intervene, we often prevent or simplify future litigation involving related issues; at the same time, we allow an additional interested party to express its views before the court".[United States v. City of L.A., Cal., 288 F.3d 391, 397-98 (9th Cir. 2002)].*

Thus, courts assess a motion to intervene "primarily by practical considerations, **not technical distinctions**." [Sw. Ctr. for Biological Diversity v. Berg, 268 F.3d 810, 818 (9th Cir.

2001)]. As discussed below, Farag meets each of the requirements for intervention as of right.

(1) **Farag's motion to intervene is timely**. There is no time limit to prevent or reduce the damage of a crime, even after it is completed.

(2) **Farag has an interest relating to the subject matter of the action**. The interest requirement of Rule 24(a) is "*primarily a practical guide to disposing of lawsuits by* ***involving as many apparently concerned persons*** *as is compatible with efficiency and due process*."[Nuesse v. Camp, 385 F.2d 694, 700 (D.C. Cir. 1967); see Wilderness Soc'y v. U.S. Forest Serv., 630 F.3d 1173, 1179 (9th Cir. 2011)]. Accordingly, no specific legal or equitable interest need be established for the Rule 24 test to be satisfied. Because those billions belong to the public and Farag, not to the politician or the plaintiffs, and the real issues are the Hoax's fraud and corruption that Farag has **the right and duty to intervene and fight them**. Additionally, to satisfy the relationship requirement (interest), an applicant must show that resolution of the plaintiff's claims will affect the applicant. The impact of these cases, goes **far beyond its parties**. One simple



TAXES & FEES		$23.01
Environmental Cost Recovery Adj	590 kWh X 0.00022	$0.13
Renewable Portfolio Standard	590 kWh X 0.00502	$2.96
Zero Emission Standard	590 kWh X 0.00195	$1.15
Carbon-Free Energy Resource Adj	590 kWh X 0.01508	$8.49
Energy Efficiency Programs	590 kWh X 0.00366	$2.16
Energy Transition Assistance	590 kWh X 0.00072	$0.42
Franchise Cost	$43.81 X 2.91100 %	$1.28
State Tax		$1.95
Municipal Tax		$3.47
Service Period Total		$107.44

Thank you for your payment of $78.89 on January 8, 2024

example for Farag's damages due to enforcing the Hoax, he is **paying about 16% on top of his electric bill for zero emission, carbon free energy**, etc., as shown here. Farag believes that the EPA, under the previous administration, was wasting our money to phony organizations to enforce the Hoax.

(3) **Without Farag's intervention there will be a serious potential irreparable harm to his interests**. The test for impairment under Rule 24 focuses on practical effects. "*If an absentee would be substantially affected in a practical sense by the determination made in an action, he should, as a general rule, be entitled to intervene* - -." [Fed. R. Civ. P. 24 advisory committee's note, quoted in Citizens for Balanced Use, 647 F.3d at 898]. Farag's intervention is to stop paying extra money on his electric bill, or subsidize other energy sources, to enforce the Hoax.

(4) **There is a lack of adequate representation of Farag's interests by the existing parties.** The burden of demonstrating inadequate representation is minimal. Farag needs only to show that his interests are different from the existing parties' interests such that their representation may be inadequate. The Court must consider:

> *(1) whether the interest of a present party is such that it will undoubtedly make all the intervenor's arguments;*
>
> *(2) whether the present party is capable and willing to make such arguments; and*
>
> *(3) whether the would-be intervener would offer any necessary elements to the proceedings that other parties would neglect.*[Citizens for Balanced Use, 647 F.3d at 898; Trbovich v. United Mine Workers of Am., 404 U.S. 528, 538 n.10 (1972); Sw. Ctr. for Biological Diversity, 268 F.3d at 823; Nuesse, 385 F.2d at 703].

Farag is interested in **eliminating his payments to enforce the Hoax and to stop the fraud**. Citibank is interested in following the banking rules. **The EPA's lawyers** are pursuing a dangerous direction as shown in their opposition in case

1:25-cv-698 [Doc 16, pg 8, 9, 22]. Instead of attacking the fraud, which is the root of the problem as Mr. Zeldin stated, **they are opening a window for the plaintiffs to snatch those billions, and more, and fly with them**. They are **weakening** the position of the EPA as if it is interested only in **having control**. This is also evident from Mr. Sacks refusal to receive Farag's evidence to prove the fraud. **They** even assert the right of the plaintiffs to get those fraudulent billions, which would help the **plaintiffs prove that they could succeed on the merits**. Here are some statements of the EPA's lawyers: "*EPA explained that the existing grants lacked adequate controls and should be **re-awarded** under new agreements that ensure the EPA retains adequate oversight*", "*EPA has announced that it **intends to redeploy that money** consistent with Congress's authorization*", "*EPA has concluded that the existing regime provides inadequate oversight and controls*", and "*EPA's directive to Citibank was not a final agency action*". Additionally, in their brief in this court [filed 5/5/25, pg. 2] "*but EPA has been very clear, both in and out of court, that it intends to act expeditiously to **re-obligate the grant funds** under new agreements*"(*not to eliminate wasting $27 billions*).

12- ALTERNATIVELY, FARAG IS ENTITLED TO PERMISSIVE INTERVENTION.

As with intervention as of right, ***permissive intervention is construed liberally in favor of the moving party*** [City of L.A., 288 F.3d at 397–98]. Permissive intervention should be allowed under Fed. R. Civ. P. 24(b) as long as the applicant for intervention establishes that "*(1) it shares a common question of law or fact with the main action; (2) its motion is timely; and (3) the court has an independent basis for jurisdiction over the applicant's claims.*"[Donnelly, 159 F.3d at 412]. Under this standard, neither the inadequacy of representation nor a direct interest in the subject matter of the action need be shown.[Kootenai Tribe of Idaho v. Veneman, 313 F.3d 1094, 1108 (9th Cir. 2002), overruled in part on other grounds by Wilderness Soc'y, 630 F.3d at 1178]. Farag shares a common question of fact "burning fossil fuel does not cause global warming", and

of law as to the fraud in allocating those billions. His motion is timely as explained before. Farag's intervention **will save the Court's time and resources by ending the cases before their start**, which is by itself, **a reason for the Court to grant his motion to intervene**. Once Farag is allowed to intervene, the Court can hold a hearing to find **the scientific facts about the Hoax**. He believes that **within few minutes**, after the plaintiffs clarify their meanings of global warming, greenhouse gases, CO2 absorption, etc., **Farag will prove to the Court, beyond any doubt**, that the Hoax is a hoax. Additionally, **Farag would be the entity in this litigation with scientific knowledge that will aid the Court's** understanding of the issues in these cases that may not be made by other parties.

13- If this Court were to deny Farag's motion to intervene as of right, permissive intervention should be granted [Freedom from Religion Found., Inc. v. Geithner, 644 F.3d 836, 844 (9th Cir. 2011)].

14- For the foregoing reasons, Farag respectfully requests that this Honorable Court grant his intervention as of right under Fed. R. Civ. P. 24(a); and/or as a permissive intervention under Fed. R. Civ. P. 24(b); and for other relief as proper.

Respectfully submitted this 21st day of May 2025.

TAREK FARAG, pro se.
411 N Warwick Ave, Westmont, IL 60559
630 709 3965
tarekfarag@comcast.net

No. 25-5122

IN THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

CLIMATE UNITED FUND, ET AL., Plaintiffs-Appellees, v. CITIBANK, N.A., ET AL. Defendants-Appellants.	Consolidated Case No: **1:25-cv-00698 (TSC)** Case No: **1:25-cv-00820**

FARAG'S PLEADINGS TO ACCOMPANY HIS MOTION TO INTERVENE

The Movant Tarek Farag, pro se (hereinafter Farag), states the following:

1- Farag is in complete agreement with the current EPA's Director Mr. Lee Zeldin's findings that the billions in dispute are the result of **fraud, waste, and abuse**. Mr. Zeldin didn't get the time to collect enough evidence to criminally prosecute the perpetrators, and was right to refer the investigations to the DOJ and the FBI. Now, all the parties had already all the undisputed evidence that proved that the Hoax is a hoax and no one should continue supporting the Hoax, and causing serious damage to the public's interests.

2- The Congress allocated those billion based on a big lie (Hoax) that "burning fossil fuel is causing harmful global warming", and wrongfully characterizing CO2 as a pollutant, which **were disputed** by two distinguished professors in their testimonies before Congress **April 2022** .

3- During his research, Farag submitted a FOIA request to the EPA [Tracking Number EPA-2022-001766, Requester Name Dr. TAREK FARAG, Submitted Date 01/05/2022], requesting the following (the format is exactly the same):

"Please provide all the SCIENTIFIC: data, reports, analysis, experiments, studies, etc. that show the GOOD and BAD effects of the: "MAN-MADE-CLIMATE-CHANGES", and support its existence or its future existence, according to which the agency and the US government concluded and/or recommended and/or ACTED and/or joined national or international organizations to COMBAT this man-made climate changes.

Note: Most of the requested materials could be in electronic format, I accept its delivery by email to save time and money."

EPA responded on 1/31/2022 (hopkins.daniel@epa.gov) that **they have ZERO scientific proofs to support the Hoax.**

4- Farag's scientific studies, analysis, and calculations using mainly the data contained in the technical reports generated by IPCC (UN Intergovernmental Panel on Climate Change) and NASA revealed serious errors. No one should be misguided by the large number of the people (or their degrees) that participated in those reports. As Galileo said "*In questions of science, the authority of a thousand is not worth the humble reasoning of a single individual*".

5- The main greenhouse gas is water vapor, which is impossible to remove and necessary for life. CO2 is not a pollutant, and is necessary for plant growth, without it, life will die.

6- The theory that CO2 traps (absorbs) most of the IR (Infra-Red) energy emitted from the earth's surface is flawed. The earth emits a wide spectrum of IR most of its energy is in the 3 to 100 micrometer range. CO2 has limited absorption bands at (2, 2.7, 4.3, and 15 μm). Water vapor, which has much more concentration,

absorbs 30 times the IR energy as CO2. CO2 is continuously absorbed and recycled by the plants, storing Sun's energy, producing carbohydrates (food), and releasing Oxygen.

7- The data on page 935 of IPCC's "Earth's Energy Budget, Climate Feedbacks and Climate Sensitivity", stated "*As a result, there is a radiative imbalance at the TOA in the clear-sky energy budget (Figure 7.2, lower panel), suggesting that the **Earth would warm substantially** if there were no clouds*". Which reveals that increasing greenhouse gases will reduce Sun's energy reaching the Earth's surface, **causing Global Cooling not warming**, in direct contravention of its own stated global warming theory. IPCC stated "*A comparison of the upper and lower panels in Figure 7.2 shows that without clouds, 47 W m–2 less solar radiation is reflected back to space globally (53 ± 2 W m–2 instead of 100 ± 2 W m–2), while 28 W m–2 more thermal radiation is emitted to space (267 ± 3 W m–2 instead of 239 ± 3 W m–2). As a result, there is a **20 W m–2** radiative imbalance at the TOA in the clear-sky energy budget (Figure 7.2, lower panel), **suggesting** that the Earth would warm substantially if there were no clouds*". The 20 W/m2 IPCC estimated is a factual number not a feeling and IPCC should not use the word "suggesting". In contrast, on page 1022, IPCC stated "*Scientists have made significant progress over the past decade and are now more confident that changes in clouds will amplify, rather than offset, global warming in the future*". There is no basis for their statement of "more confident" since it did not specify the magnitude or the direction of their predicted changes, and the statement by itself is not scientific because there is always uncertainty.

8- IPCC is showing two diagrams in page 934 (shown here as Fig 1 and Fig 2) that represent gross scientific

errors:

8-1 The Earth's surface in "All Sky" receives 160 W/m2 of the Sun's energy while emitting 398 W/m2 (not adding evaporation and sensible heat), which is more than the stated Sun's incoming energy of 160 W/m2 at the Earth's surface and the 340 W/m2 at TOA. This is not logically or scientifically possible, it is fraud (a child wouldn't miss).

8-2. The Earth's atmosphere absorbs a total of 399 W/m2 (80+160+ 398-239 = 399), which means that the Earth is dangerously HEATING with energy MORE THAN THE INCOMING SUN'S ENERGY, which is not logically or scientifically possible.

8-3. Having this incorrect information for many years without correction or explanation is highly unprofessional, because it misleads people to wrong conclusions and actions. Many people trusted these reports and used their data without confirming its veracity.

9- Both IPCC and NASA manipulated 10 years data to prove their Global Warming Hoax, instead of changing their models to agree with the measurements [IPCC (935) "*is not sufficient to quantify - -, the CERES EBAF reflected solar and emitted thermal TOA fluxes* ***were adjusted****, - - to ensure that the net TOA flux for July 2005 to June 2015 was consistent with the estimated Earth's energy balance for the same period - -"].

10- Most of the references IPCC uses are its own that could be similarly misstated.

11- Increasing CO2 will increase vegetative growth on the earth, which is a very desirable thing. According to

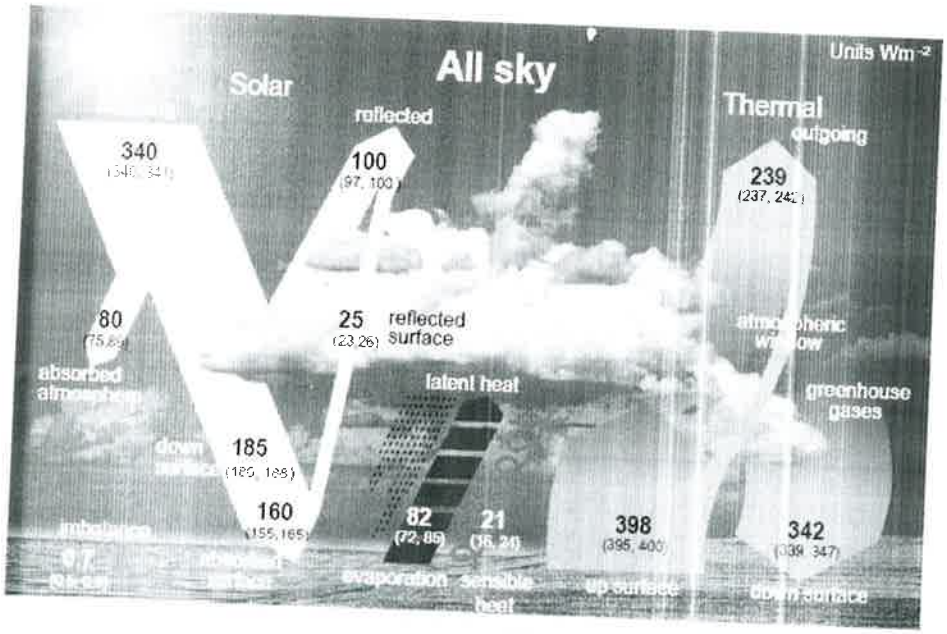


Fig 1- IPCC's schematic representation of the global mean energy budget of the Earth

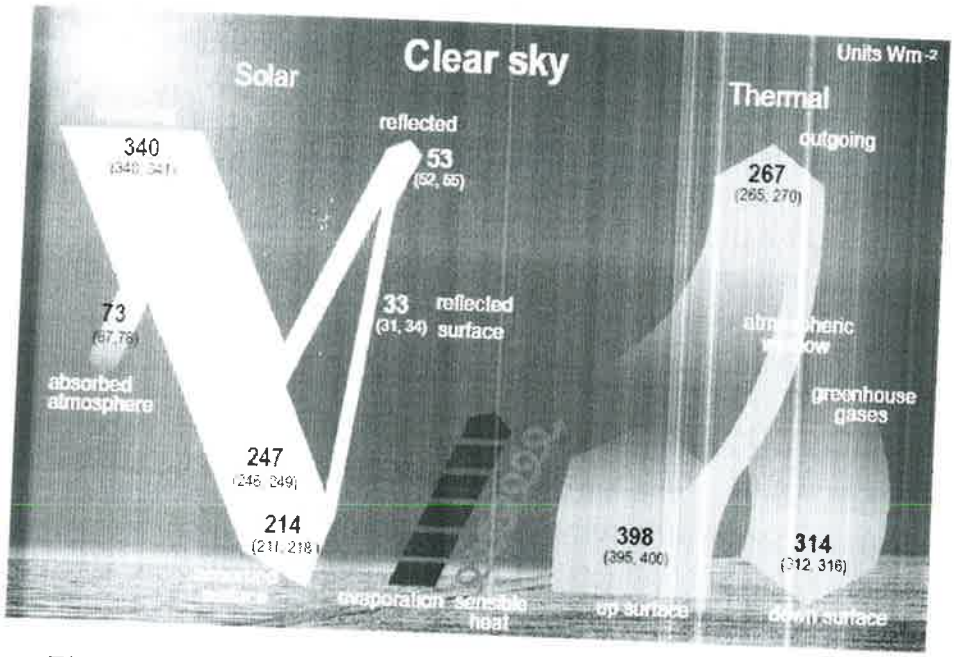


Fig 2- IPCC's schematic representation of the global mean energy budget of the Earth without considerations of cloud effects

NASA "*Studies have shown that higher concentrations of atmospheric carbon dioxide affect crops in two important ways: they boost crop yields by increasing the rate of photosynthesis, which spurs growth, and they reduce the amount of water crops lose through transpiration - - and thus increased water-use efficiency*". The CO2- Coalition quantified the increase in crop biomass, resulting from adding 300 ppm CO2, to be from 41% to 77.8%.

12- Increasing CO2 levels from 400 to 800 ppm, will cool the Earth. Assume that the average proficiency of photosynthetic is 4.5%, the green land is 32% of Earth's land, which is 29% of Earth's total surface area, and the Sun's energy reaching Earth's surface is 160 W/m2. Then the plants are storing about 0.668 W/m2 (.045 x .32 x 0.29 x 160 = 0.668). Assuming that CO2 is doubled to 800 ppm, which would result in 55% to 104% increase in biomass of plants of an average of 79.5%. This means that increasing CO2 to 800 ppm would make the plants store an additional 79.5% of energy, i.e., 0.53 W/m2 (0.795 x 0.668 = 0.53), which would cool the Earth's surface with a total amount of 1.198 W/m2. However, if we assume that sea plants (planktons) will have growth similar to land plants of an average 79.5%, and the entire water surface is occupied with sea plants, we get an energy storage of 5.11 W/m2 (0.045 efficiency x 0.71 water area x 160 = 5.11). Increasing CO2 to 800 ppm, would give us additional storage of 4.06 W/m2 (5.11 x .795). Adding land and water extra storage; we get 4.73 W/m2. This would reduce the temperature by storing those extra Sun's energy, like a battery, instead of becoming heat.

13- As Einstein said, "If you can't explain it to a six-year-old, you don't understand it yourself", Farag is stating some facts here so that a six-year-old can

understand that the Hoax is a hoax:

a. Increasing CO2 in the atmosphere will result in absorbing the IR radiated from the earth in a shorter distance, not increase the amount of energy radiated/absorbed, especially if we assume that CO2 is a strong absorber. This is similar to the visible distance when driving at night with little fog, using car light. When the fog increases the visible distance will decrease, due to the increase in the absorption, not the car light intensity will increase.

b. One molecule of water vapor absorbs IR energy much more than one molecule of CO2. For each CO2 molecule, there are about 2500 molecules of other gasses, including water that could be about 1000. If you have 1000 gm of sugar with 1 gm of salt, is adding additional 1 gm of salt can change the taste? Similarly, doubling CO2 would have negligible effect.

c. NASA and IPCC are untruly saying that the Earth's surface receives about 160 W/m2, but emits about 400 W/m2. Can I give you every morning $160 and you give me every night $398? When you expose your hand at night to the radiation coming from the Earth's surface, would you feel heat more than twice that during the day (ratio 398:160)!

d. When I give you $159 and tell you that they are $160, you count them many times with high accuracy to find them $159, would you believe that I gave you $160, or you consider that I'm cheating? This is what NASA and IPCC are doing, adjusting the measurements to agree with their faulty models. Additionally, if I tell you that millions of experts, scientists, news sources, lawyers, judges, etc. counted them and certified that the money is $160,

and we accuse you of lying, would you agree with us or you become certain that we are - - - - ?

14- Granting Farag's intervention should not delay the adjudication of the case, it will expedite it. The Court can hold a hearing to find the **scientific facts about the Hoax,** which will prove that the Hoax is a hoax**,** which could end the litigations immediately.

15- Farag would like to ask the Court to allow him to file his documents electronically, and receive the previous and future filings electronically to his email: tarekfarag@comcast.net.

WHEREFORE, Tarek Farag, respectfully requests that this Honorable Court grant the following:

1) Declare that the claims that burning fossil fuel generating CO2 could cause global warming has no scientific basis, and the Man-Made-Global-Warming and the Zero-Carbon emission are destructive non-scientific issues.
2) Invalidate all the administrative orders, laws, subsidiaries, etc. to combat Man-Made-Global-Warming, or promote Zero-Carbon emission, that are not based on solid science.
3) Take any additional actions this Honorable Court sees as proper and just.

Respectfully submitted May 21, 2025,

TAREK FARAG
Proposed Intervener, pro se.
411 N Warwick Ave, Westmont, IL 60559
630 709 3965
tarekfarag@comcast.net

U.S. District Court
District of Columbia

Notice of Electronic Filing

The following transaction was entered on 4/15/2025 at 10:38 PM and filed on 4/18/2025

Case Name: CLIMATE UNITED FUND V. CITIBANK, N.A. et al

Case Number: **1:25-cv-00698-TSC**

Filer:

Document Number: No document attached

Docket Text:

MINUTE ORDER: DENYING [85] Amended Motion to Intervene as a Defendant and 93 REQUEST FOR LEAVE TO FILE REVIEW. Movant seeks to intervene to "eliminat[e] his payments to enforce the Hoax that fossil fuel could cause harmful global warning" and "to stop the fraud." See Am. Mot. 85 at 14. Movant has not made a showing that he satisfies the requirements to intervene as of right under Fed. R. Civ. P. 24(a) because he (1) is not given an unconditional right to intervene by any federal statute, nor does he identify one, and (2) does not claim an interest relating to any property of transaction that is the subject of the action and is not so situated that disposing of the action may as a practical matter impair or impede his ability to protect that interest. The Court will not exercise its discretion to grant permissive intervention under Rule 24(b)(1) because movant does not have a claim or defense that shares with the main action a common question of law or fact. Permissive intervention is an inherently discretionary enterprise. EEOC v. Nat'l Children's Ctr., 146 F.3d 1042, 1046 (D.C. Cir. 1998). The Clerk shall accept no further submissions for filing in this case from Tarek Farag without further action or court order. The Clerk of the Court shall send a copy of this Minute Order to pro se Movant. Signed by Judge Tanya S. Chutkan on 4/18/2025. (lcer)

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CLIMATE UNITED FUND, ET AL., **Plaintiffs,** **v.** **CITIBANK, N.A., ET AL.** **Defendants.**	Case No. 25-cv-698 (TSC) Case No. 25-cv-735 (TSC) Case No. 25-cv-762 (TSC) Case No. 25-cv-820 (TSC) Case No. 25-cv-938 (TSC) Case No. 25-cv-948 (TSC) (Consolidated Cases)

NOTICE OF APPEAL

Pursuant to Rule 4(a)(1), and Rule 3 of the Federal Rules of Appellate Procedure, Proposed Intervenor Defendant Tarek Farag, pro se, hereby join the Government Defendants and appeal to the United States Court of Appeals for the District of Columbia Circuit from the Denial of his Motion to Intervene as a Defendant as of right, and other orders the Defendants are appealing.

Respectfully submitted this 17th day of April 2025,

TAREK FARAG, pro se.
411 N Warwick Ave, Westmont, IL 60559
630 709 3965
tarekfarag@comcast.net

CERTIFICATE OF SERVICE

I hereby certify that on April 17, 2025, this Notice of Appeal will be filed through the Court's electronic system assigned to pro se participants. which will be served electronically by the ECF system to all participants.

Respectfully submitted,

TAREK FARAG, pro se
tarekfarag@comcast.net

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CLIMATE UNITED FUND Plaintiff, v. **CITIBANK, N.A., et al.** Defendants.	Civil Action No. 25-cv-698 (TSC) Civil Action No. 25-cv-735 (TSC) Civil Action No. 25-cv-762 (TSC) Civil Action No. 25-cv-820 (TSC) Civil Action No. 25-cv-938 (TSC) Civil Action No. 25-cv-948 (TSC) (Consolidated Cases)

ORDER

For the reasons set forth in the forthcoming Memorandum Opinion, Plaintiffs' Motion for Preliminary Injunction, ECF No. 33, is **GRANTED**. It is further **ORDERED** that EPA Defendants' Contingent Motion for Stay Pending Appeal, ECF No. 75, is DENIED without prejudice.[1] It is further

ORDERED that Defendants the U.S. Environmental Protection Agency ("EPA"), Administrator Lee Zeldin, in his official capacity as Administrator of EPA, Deputy Administrator W.C. McIntosh, in his official capacity as

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1 EPA Defendants filed their motion prematurely, filing a "contingent" motion before the court ruled on the pending motions for preliminary injunction. ECF No. 75. If after reviewing the court's Order and forthcoming Memorandum Opinion, EPA Defendants believe that a stay pending appeal is warranted, they may make a request consistent with Federal Rule of Appellate Procedure 8. In consideration of EPA Defendants' position and Defendant Citibank's silence on the issue, Defendant Citibank is **ORDERED** to refrain from releasing any funding disbursements until **Thursday, April 17, 2025, at 2:00PM EST**.

Acting Deputy Administrator of EPA, (collectively, "EPA Defendants"), and others in active concert or participation therewith, are ENJOINED from effectuating EPA's March 11, 2025 "Notice of Termination"; it is further

ORDERED that EPA Defendants, and others in active concert or participation therewith, are **ENJOINED** from unlawfully suspending or terminating Plaintiffs' grant awards, including by issuing a Notice of Exclusive Control, effectuating a Notice of Termination, or limiting access to funds in accounts established in connection with Plaintiffs' grants, including funds in accounts established by Plaintiffs' subgrantees, except as permitted by the applicable Account Control Agreement ("ACA"), the grant award, the relevant regulations, and applicable law, including any administrative procedures mandated by the Administrative Procedure Act ("APA"); it is further

ORDERED that EPA Defendants, and others in active concert or participation therewith, including officials at the U.S. Department of the Treasury, are **ENJOINED** from directly or indirectly impeding Defendant Citibank or from causing Defendant Citibank to deny, obstruct, delay, or otherwise limit access to funds in accounts established in connection with Plaintiffs' grants, including funds in accounts established by Plaintiffs' subgrantees, except as permitted by the applicable ACA, the grant award, the relevant regulations, and applicable law, including any administrative procedures mandated by the APA; it is further

ORDERED that Defendant Citibank is **ENJOINED** from transferring or otherwise moving funds out of accounts established in connection with Plaintiffs' grants, including funds in accounts established by Plaintiffs' subgrantees, except as permitted by the applicable ACA, the grant award, the relevant regulations, and applicable

law, including any administrative procedures mandated by the APA; it is further

ORDERED that Defendant Citibank must disburse any funds properly incurred before the mid-February suspension of Plaintiffs' funds;

ORDERED that the bond requirement of Federal Rule of Civil Procedure 65(c) is waived and that this preliminary injunction is effective upon service; it is further

ORDERED that Defendants shall file a status report with the court, within 24 hours of entry of this Order, confirming their compliance with the preliminary injunction; it is further

ORDERED that this preliminary injunction remains in effect pending further orders from this Court.

Memorandum Opinion to follow.

Date: April 15, 2025

S// Tanya S. Chutkan
TANYA S. CHUTKAN
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CLIMATE UNITED FUND, ET AL., **Plaintiffs,** **v.** **CITIBANK, N.A., ET AL.** **Defendants.**	Consolidated Case No: **1:25-cv-00698 (TSC)** Case No: **1:25-cv-00820**

MOTION TO INTERVENE AS A DEFENDANT (CORRECTED)

Tarek Farag (hereinafter **Farag**) (**pro se**), states the following under oath:

1- Farag was going to intervene in case No: 1:25-cv-00820 filed 3/19/25, after he knew about it around 3/24/25, he immediately started preparing his motion to intervene. The Court consolidated it with other similar cases, hence, his intervention could apply to the other cases.

2- Farag didn't confer with the Plaintiffs about his intervention due to the urgency and his belief that they must oppose it. However, he called Mr. Marc Sacks (attorney for DOJ), on 3/26/25 at 12:29 PM, on his phone number: 202-307-1104, to offer him the information to support the EPA's position and avoid intervening in the case. However, Mr. Sacks was not interested, indicating that the government lawyers will not expose the huge fraud involved in the Billions at stake.

3- Upon the information Farag collected during his long

research on the claims that "burning fossil fuel could cause harmful global warming" (hereinafter a **Hoax**), he believes that there is an International Criminal Enterprise that use the Hoax to enrich themselves, and sometimes just to cause destruction. It includes politicians, officials, lawyers, judges, business people, etc.

4- The dollars disputed are **$27 billion** (not million) that can spoil most people, and **once these billions are distributed, they will be gone forever**. The plaintiffs claim "*EPA can terminate a grant only if the grantee violates the grant's terms and conditions, engages in certain illegal activity, or misrepresents its eligibility status. None of these conditions is satisfied with respect to any Plaintiff—and EPA does not claim otherwise*", which is not true. The defendant Mr. Zeldin found that the billions in dispute are the result of **fraud, waste, and abuse**. Just inserting these billions that will cause inflation in the Inflation Reduction Act is illegal. In addition, it is based on fraud and deception, and every one involved in recommending or approving the money should be investigated and prosecuted by the **AG Pam Bondi personally** and the **FBI Director Kash Patel**.

5- Farag is an engineer having worked in many engineering fields, and did many scientific researches including his Masters and PhD in nuclear engineering. Was certified as a PE in Illinois in 1994, and have a few patents. However, he **disputes the Hoax with simple logic that a six-year-old can understand**. Farag devoted most of his time to research the effect of increasing CO2 after Obama's declaration that CO2 increase is causing harmful global warming. Farag finished his scientific studies, analysis, and calculations, using mainly the data contained in the technical reports generated by IPCC and NASA, which revealed serious fraud.

6- <u>Farag proved that there is no scientific basis for the Hoax.</u> He published his findings on May 2022, and on November 17, 2022, sent an open letter to UN Secretary General asking him to stop pushing countries into disasters due to the Hoax. However, he didn't receive any response, and the push for the hoax continued. Around February 14, 2023, Farag sent another letter to him and to many politicians and decision makers, and complained to **US AG Merrick Garland**, and to **IL AG Kwamie Raoul**. However, he didn't get any disputes to his findings, or response.

7- FARAG IS ENTITLED TO INTERVENE AS OF RIGHT

Farag meets the requirements to intervene under Rule 24(a), which provides that "the court must permit anyone to intervene" only if the person:

> (1) is given an unconditional right to intervene by a federal statute; or
>
> (2) claims an interest relating to the property or transaction that is the subject of the action, and is so situated that disposing of the action may as a practical matter impair or impede the movant's ability to protect its interest, unless existing parties adequately represent that interest.

Under the first scenario, Farag has unconditional right and duty to intervene to protect the public interests and stop the fraud; in addition, without his intervention those billions will be lost forever. Under the second scenario, a petitioner must meet four criteria to intervene as of right: "(1) timely application; (2) an interest relating to the subject matter of the action; (3) potential impairment, as a practical matter, of that interest by the disposition of the action; and (4) lack of adequate representation of the interest by the existing parties to the action." Reich v.

ABC/York-Estes Corp.,64 F.3d 316, 321 (7th Cir. 1995). Consistent with all other federal courts of appeal, the Ninth Circuit applies this test broadly in favor of intervention:

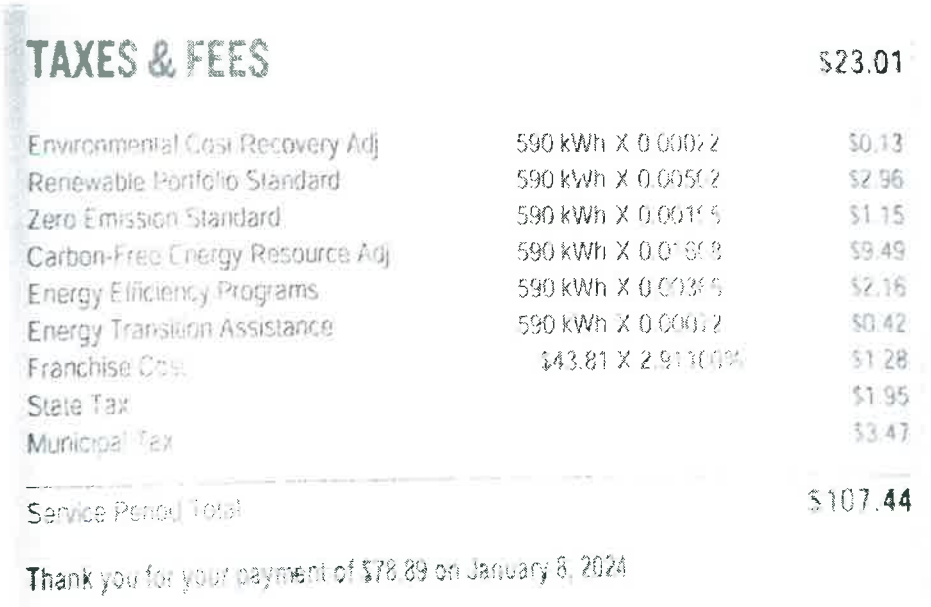
> "***A liberal policy in favor of intervention serves both efficient resolution of issues and broadened access to the courts. By allowing parties with a practical interest in the outcome of a particular case to intervene, we often prevent or simplify future litigation involving related issues; at the same time, we allow an additional interested party to express its views before the court***".[United States v. City of L.A., Cal., 288 F.3d 391, 397-98 (9th Cir. 2002)].

Thus, courts assess a motion to intervene "primarily by practical considerations, not technical distinctions." [Sw. Ctr. for Biological Diversity v. Berg, 268 F.3d 810, 818 (9th Cir. 2001)]. As discussed below, Farag meets each of the requirements for intervention as of right.

(1) Farag's motion to intervene is timely. Case No: 1:25-cv-820 was filed on 3/19/25, and Farag (pro se) knew about it 3/24/25, and it was consolidated with other cases on 3/25/25, and he tried to finish preparing his motion on Friday 3/28/25, which is practically "instantaneous".

(2) Farag has an interest relating to the subject matter of the action. The interest requirement of Rule 24(a) is "*primarily a practical guide to disposing of lawsuits by* ***involving as many apparently concerned persons*** *as is compatible with efficiency and due process.*"[Nuesse v. Camp, 385 F.2d 694, 700 (D.C. Cir. 1967); see Wilderness Soc'y v. U.S. Forest Serv., 630 F.3d 1173, 1179 (9th Cir. 2011)]. Accordingly, no specific legal or equitable interest need be established for the Rule 24 test to be satisfied. Because those billions belong to the public and Farag, not to the politician or the plaintiffs, and the real issues are the

Hoax's fraud and corruption that Farag has the **right and duty to intervene and fight them**. Additionally, to satisfy the relationship requirement (interest), an applicant must show that resolution of the plaintiff's claims will affect the applicant. The impact of these cases, goes **far beyond its parties**. One simple example for Farag's damages due to enforcing the Hoax, he is **paying about 16% on top of his electric bill for zero emission, carbon free energy**, etc., as shown here. Farag believes that the EPA, under the previous administration, was wasting our money to phony organizations to enforce the Hoax.



TAXES & FEES		$23.01
Environmental Cost Recovery Adj	590 kWh X 0.000[illegible]2	$0.13
Renewable Portfolio Standard	590 kWh X 0.005[illegible]2	$2.96
Zero Emission Standard	590 kWh X 0.001[illegible]5	$1.15
Carbon-Free Energy Resource Adj	590 kWh X 0.0[illegible]8	$9.49
Energy Efficiency Programs	590 kWh X 0.003[illegible]6	$2.16
Energy Transition Assistance	590 kWh X 0.000[illegible]2	$0.42
Franchise Cost	$43.81 X 2.91[illegible]%	$1.28
State Tax		$1.95
Municipal Tax		$3.47
Service Period Total		$107.44

Thank you for your payment of $78.89 on January 8, 2024

(3) Without Farag's intervention there will be a serious potential irreparable harm to his interests. The test for impairment under Rule 24 focuses on practical effects. "*If an absentee would be substantially affected in a practical sense by the determination made in an action, he should, as a general rule, be entitled to intervene - -.*" [Fed. R. Civ. P. 24 advisory committee's note, quoted in Citizens for Balanced Use, 647 F.3d at 898]. Farag's intervention is

to stop paying extra money on his electric bill, or subsidize other energy sources, to enforce the Hoax.

(4) There is a lack of adequate representation of Farag's interests by the existing parties. The burden of demonstrating inadequate representation is minimal. Farag needs only to show that his interests are different from the existing parties' interests such that their representation may be inadequate. The Court must consider:

> *(1) whether the interest of a present party is such that it will undoubtedly make all the intervenor's arguments;*
>
> *(2) whether the present party is capable and willing to make such arguments; and*
>
> *(3) whether the would-be intervenor would offer any necessary elements to the proceedings that other parties would neglect.*[Citizens for Balanced Use, 647 F.3d at 898; Trbovich v. United Mine Workers of Am., 404 U.S. 528, 538 n.10 (1972); Sw. Ctr. for Biological Diversity, 268 F.3d at 823; Nuesse, 385 F.2d at 703].

Farag is interested in **eliminating his payments to enforce the Hoax and to stop the fraud**. Citibank is interested in following the banking rules. **The EPA's lawyers** are pursuing a dangerous direction as shown in their opposition in case 1:25-cv-698 [Doc 16, pg 8, 9, 22]. Instead of attacking the fraud, which is the root of the problem as Mr. Zeldin stated, **they are opening a window for the plaintiffs to snatch those billions, and more, and fly with them.** They are **weakening** the position of the EPA as if it is interested only in **having control.** This is also evident from Mr. Sacks refusal to receive Farag's evidence to prove the fraud. **They** even assert the right of the plaintiffs to get those billions, which would help the **plaintiffs prove that they could succeed on the merits**.

Here are some statements of the EPA's lawyers: "*EPA explained that the existing grants lacked adequate controls and should be **re-awarded** under new agreements that ensure the EPA retains adequate oversight*", "*EPA has announced that it **intends to redeploy that money** consistent with Congress's authorization*", "*EPA has concluded that the existing regime provides inadequate oversight and controls*", and "EPA's directive to Citibank was not a final agency action". Farag is wondering if the named EPA's Attorneys: Yaakov Roth, Marc S. Sacks, Kirk T. Manhardt, and Kevin P. Vanlandingham, all agreed on the stated statements!

8- ALTERNATIVELY, FARAG IS ENTITLED TO PERMISSIVE INTERVENTION.

As with intervention as of right, permissive intervention is construed liberally in favor of the moving party [City of L.A., 288 F.3d at 397–98]. Permissive intervention should be allowed under Fed. R. Civ. P. 24(b) as long as the applicant for intervention establishes that "*(1) it shares a common question of law or fact with the main action; (2) its motion is timely; and (3) the court has an independent basis for jurisdiction over the applicant's claims*." [Donnelly, 159 F.3d at 412]. Under this standard, neither the inadequacy of representation nor a direct interest in the subject matter of the action need be shown.[Kootenai Tribe of Idaho v. Veneman, 313 F.3d 1094, 1108 (9th Cir. 2002), overruled in part on other grounds by Wilderness Soc'y, 630 F.3d at 1178]. Farag shares a common question of fact "burning fossil fuel does not cause global warming", and of law as to the fraud in allocating those billions. His motion is timely as explained before, and will not prejudice the existing parties. Farag's intervention will **save the Court's time and resources by ending the**

cases before their start, which is by itself, **a reason for the Court to grant his motion to intervene**. Once Farag is allowed to intervene, the Court can hold a hearing to find the **scientific facts about the Hoax.** He believes that **within few minutes,** after the plaintiffs clarify their meanings of global warming, greenhouse gases, CO2 absorption, etc., Farag **will prove to the Court, beyond any doubt**, that the Hoax is a hoax. Additionally, **Farag would be the entity in this litigation with scientific knowledge that will aid the Court's** understanding of the issues in these cases that may not be made by other parties.

9- If this Court were to deny Farag's motion to intervene as of right, permissive intervention should be granted [Freedom from Religion Found., Inc. v. Geithner, 644 F.3d 836, 844 (9th Cir. 2011)].

10- For the foregoing reasons, Farag respectfully requests that this Honorable Court grant his intervention as of right under Fed. R. Civ. P. 24(a); and/or as a permissive intervention under Fed. R. Civ. P. 24(b); and for other relief as proper.

Respectfully submitted this 15th day of April 2025,

TAREK FARAG, pro se.
411 N Warwick Ave, Westmont, IL 60559
630 709 3965
tarekfarag@comcast.net

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CLIMATE UNITED FUND, ET AL.,	
Plaintiffs,	Consolidated Case No:
v.	**1:25-cv-00698 (TSC)**
CITIBANK, N.A., ET AL.	Case No:
Defendants.	**1:25-cv-00820**

FARAG'S PLEADINGS TO ACCOMPANY HIS MOTION TO INTERVENE

The movant Tarek Farag, pro se (hereinafter Farag), states the following:

1- Farag is in complete agreement with the current EPA's Director Mr. Lee Zeldin's findings that the billions in dispute are the result of **fraud, waste, and abuse**. Mr. Zeldin didn't get the time to collect enough evidence to criminally prosecute the perpetrators, and was right to refer the investigations to the DOJ and the FBI. However, Farag has already the required evidence that the previous administration **refused to act upon**, and he is fulfilling his duties to protect the public's interest by presenting them and intervening.

2- The Congress allocated those billion based on a big lie (Hoax) that "burning fossil fuel is causing harmful global warming", and wrongfully characterizing CO2 as a pollutant, which **were disputed** by two distinguished professors in their testimonies before Congress **April 2022** .

3- During his research, Farag submitted a FOIA request to the EPA [Tracking Number EPA-2022-001766,

Requester Name Dr. TAREK FARAG, Submitted Date 01/05/2022], requesting the following (the format is exactly the same):

> *"Please provide all the SCIENTIFIC: data, reports, analysis, experiments, studies, etc. that show the GOOD and BAD effects of the: "MAN-MADE-CLIMATE-CHANGES", and support its existence or its future existence, according to which the agency and the US government concluded and/or recommended and/or ACTED and/or joined national or international organizations to COMBAT this man-made climate changes.*
>
> *Note: Most of the requested materials could be in electronic format, I accept its delivery by email to save time and money."*

EPA responded on 1/31/2022 (hopkins.daniel@epa.gov) that **they have ZERO scientific proofs to support the Hoax.**

4- Farag's scientific studies, analysis, and calculations using mainly the data contained in the technical reports generated by IPCC (UN Intergovernmental Panel on Climate Change) and NASA revealed serious errors. No one should be misguided by the large number of the people (or their degrees) that participated in those reports. As Galileo said "*In questions of science, the authority of a thousand is not worth the humble reasoning of a single individual*".

5- The main greenhouse gas is water vapor, which is impossible to remove and necessary for life. CO2 is not a pollutant, and is necessary for plant growth, without it, life will die.

6- The theory that CO2 traps (absorbs) most of the IR (Infra-Red) energy emitted from the earth's surface is flawed. The earth emits a wide spectrum of IR most of its

energy is in the 3 to 100 micrometer range. CO2 has limited absorption bands at (2, 2.7, 4.3, and 15 μm). Water vapor, which has much more concentration, absorbs 30 times the IR energy as CO2. CO2 is continuously absorbed and recycled by the plants producing carbohydrates and releasing Oxygen.

7- The data on page 935 of IPCC's "Earth's Energy Budget, Climate Feedbacks and Climate Sensitivity", stated "*As a result, there is a radiative imbalance at the TOA in the clear-sky energy budget (Figure 7.2, lower panel), suggesting that the* ***Earth would warm substantially*** *if there were no clouds*". Which reveals that increasing greenhouse gases will reduce Sun's energy reaching the Earth's surface, **causing Global Cooling not warming**, in direct contravention of its own stated global warming theory. IPCC stated "*A comparison of the upper and lower panels in Figure 7.2 shows that without clouds, 47 W m–2 less solar radiation is reflected back to space globally (53 ± 2 W m–2 instead of 100 ± 2 W m–2), while 28 W m–2 more thermal radiation is emitted to space (267 ± 3 W m–2 instead of 239 ± 3 W m–2). As a result, there is a 20 W m–2 radiative imbalance at the TOA in the clear-sky energy budget (Figure 7.2, lower panel),* ***suggesting*** *that the Earth would warm substantially if there were no clouds*". The 20 W/m2 IPCC estimated is a factual number not a feeling and IPCC should not use the word "suggesting". In contrast, on page 1022, IPCC stated "*Scientists have made significant progress over the past decade and are now more confident that changes in clouds will amplify, rather than offset, global warming in the future*". There is no basis for their statement of "more confident" since it did not specify the magnitude or the direction of their predicted changes. In contrast, on page 1022, IPCC stated "*Scientists have made significant*

progress over the past decade and are now more confident that changes in clouds will amplify, rather than offset, global warming in the future". There is no basis for their statement of "more confident" since it did not specify the magnitude or the direction of their predicted changes and the statement by itself is not scientific because there is always uncertainty.

8- IPCC is showing two diagrams in page 934 (shown here as Fig 1 and Fig 2) that represent gross scientific errors:

8-1 The Earth's surface in "All Sky" receives 160 W/m2 of the Sun's energy while emitting 398 W/m2 (not adding evaporation and sensible heat), which is more than the stated Sun's incoming energy of 160 W/m2 at the Earth's surface and the 340 W/m2 at TOA. This is not logically or scientifically possible, it is fraud (a child wouldn't miss).

8-2. The Earth's atmosphere absorbs a total of 399 W/m2 (80+160+ 398-239 = 399),

which means that the Earth is dangerously HEATING with energy MORE THAN THE INCOMING SUN'S ENERGY, which is not logically or scientifically possible.

8-3. Having this incorrect information for many years without correction or explanation is highly unprofessional, because it misleads people to wrong conclusions and actions. Many people trusted these reports and used their data without confirming its veracity.

9- Both IPCC and NASA manipulated 10 years data to prove their Global Warming Hoax, instead of changing

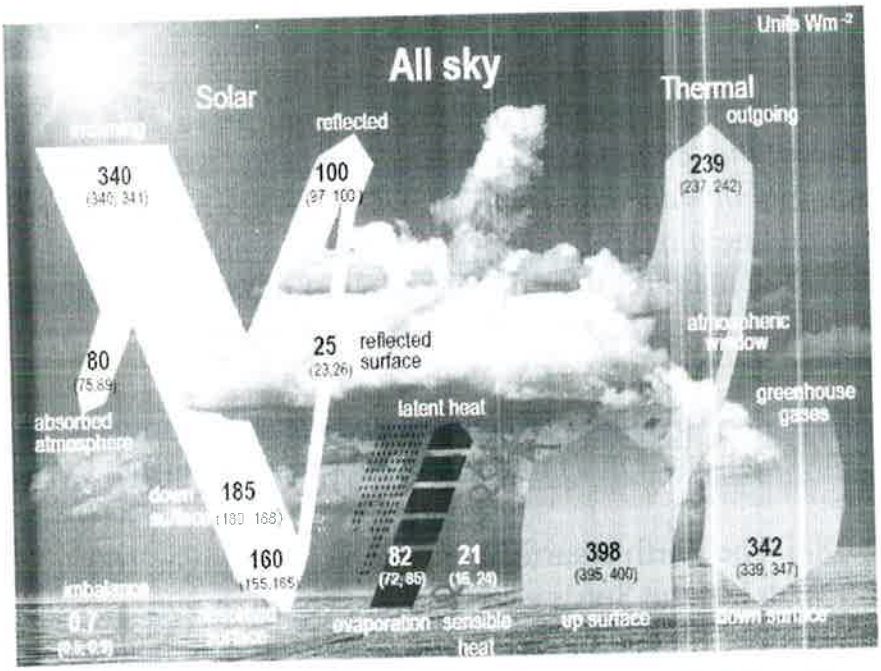


Fig 1- IPCC's schematic representation of the global mean energy budget of the Earth

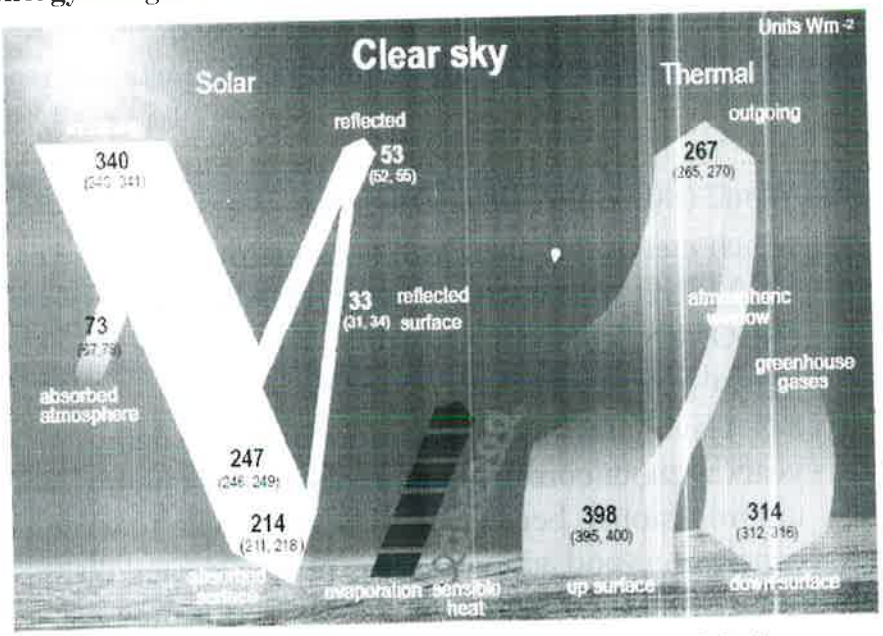


Fig 2- IPCC's schematic representation of the global mean energy budget of the Earth without considerations of cloud effects

their models to agree with the measurements [IPCC (935) "*is not sufficient to quantify - -, the CERES EBAF*

reflected solar and emitted thermal TOA fluxes were ***adjusted***, - - ***to ensure*** *that the net TOA flux for* ***July 2005 to June 2015*** *was* ***consistent with the estimated*** *Earth's energy balance for the same period* - -"].

10- Most of the references IPCC uses are its own that could be similarly misstated.

11- Increasing CO2 will increase vegetative growth on the earth, which is a very desirable thing. According to NASA "*Studies have shown that higher concentrations of atmospheric carbon dioxide affect crops in two important ways: they boost crop yields by increasing the rate of photosynthesis, which spurs growth, and they reduce the amount of water crops lose through transpiration - - and thus increased water-use efficiency*". The CO2- Coalition quantified the increase in crop biomass, resulting from adding 300 ppm CO2, to be from 41% to 77.8%.

12- Increasing CO2 levels from 400 to 800 ppm, will cool the Earth. Assume that the average proficiency of photosynthetic is 4.5%, the green land is 32% of Earth's land, which is 29% of Earth's total surface area, and the Sun's energy reaching Earth's surface is 160 W/m2. Then the plants are storing about 0.668 W/m2 (.045 x .32 x 0.29 x 160 = 0.668). Assuming that CO2 is doubled to 800 ppm, which would result in 55% to 104% increase in biomass of plants of an average of 79.5%. This means that increasing CO2 to 800 ppm would make the plants store an additional 79.5% of energy, i.e., 0.53 W/m2 (0.795 x 0.668 = 0.53), which would cool the Earth's surface with a total amount of 1.198 W/m2. However, if we assume that sea plants (planktons) will have growth similar to land plants of an average 79.5%, and the entire water surface is occupied with sea plants, we get an energy storage of 5.11 W/m2 (0.045 efficiency x 0.71 water area x 160 = 5.11). Increasing CO2 to 800 ppm,

would give us additional storage of 4.06 W/m2 (5.11 x .795). Adding land and water extra storage; we get 4.73 W/m2. This would reduce the temperature by storing those extra Sun's energy, like a battery, instead of becoming heat.

13- As Einstein said, "If you can't explain it to a six-year-old, you don't understand it yourself", Farag is stating some facts here so that a six-year-old can understand that the Hoax is a hoax:

a. Increasing CO2 in the atmosphere will result in absorbing the IR radiated from the earth in a shorter distance, not increase the amount of energy radiated/absorbed, especially if we assume that CO2 is a strong absorber. This is similar to the visible distance when driving at night with little fog, using car light. When the fog increases the visible distance will decrease, due to the increase in the absorption, not the car light intensity will increase.

b. One molecule of water vapor absorbs IR energy much more than one molecule of CO2. For each CO2 molecule, there are about 2500 molecules of other gasses, including water that could be about 1000. If you have 1000 gm of sugar with 1 gm of salt, is adding additional 1 gm of salt can change the taste? Similarly, doubling CO2 would have negligible effect.

c. NASA and IPCC are untruly saying that the Earth's surface receives about 160 W/m2, but emits about 400 W/m2. Can I give you every morning $160 and you give me every night $398? When you expose your hand at night to the radiation coming from the Earth's surface, would you feel heat more than twice that during the day (ratio 398:160)!

d. When I give you $159 and tell you that they are

$160, you count them many times with high accuracy to find them $159, would you believe that I gave you $160, or you consider that I'm cheating? This is what NASA and IPCC are doing, adjusting the measurements to agree with their faulty models. Additionally, if I tell you that millions of experts, scientists, news sources, lawyers, judges, etc. counted them and certified that the money is $160, and we accuse you of lying, would you agree with us or you become certain that we are - - - - ?

14- Granting Farag's intervention should not delay the adjudication of the case, it will expedite it. The Court can hold a hearing to find the **scientific facts about the Hoax,** which will prove that the Hoax is a hoax**, w**hich could end the litigations before their start.

15- Farag would like to ask the Court to allow him to file his documents electronically, and receive the previous and future filings electronically to his email: tarekfarag@comcast.net.

WHEREFORE, Tarek Farag, respectfully requests that this Honorable Court grant the following:

4) Declare that the claims that burning fossil fuel generating CO2 could cause global warming has no scientific basis, and the Man-Made-Global-Warming and the Zero-Carbon emission are destructive non-scientific issues.
5) Invalidate all the administrative orders, laws, subsidiaries, etc. to combat Man-Made-Global-Warming, or promote Zero-Carbon emission, that are not based on solid science.
6) Take any additional actions this Honorable Court sees as proper and just.

Respectfully submitted this 15th day of April 2025,

TAREK FARAG
Proposed Intervenor, pro se.
411 N Warwick Ave, Westmont, IL 60559
630 709 3965
tarekfarag@comcast.net

CERTIFICATE OF SERVICE

I certify that on 4/15/2025, I served the foregoing pleadings of Tarek Farag, by email to the listed emails attached, and relying on the Court Clerk to file the pleadings and serve all the parties on record electronically.

Respectfully submitted,

TAREK FARAG, pro se.
411 N Warwick Ave, Westmont, IL 60559
Phone: 630 709 3965
Email: tarekfarag@comcast.net

List of Emails served:
marcus.s.sacks@usdoj.gov, vlevy@hsgllp.com, bneitzel@foleyhoag.com, jcsmith@foleyhoag.com, kchen@foleyhoag.com, ncshaw@foleyhoag.com, jgross@foleyhoag.com, aunikowsky@jenner.com, ggillett@jenner.com, sdecarvalho@jenner.com, adouglis@jenner.com, meghan.strong@doj.ca.gov. peter.surdo@ag.state.mn.us, jason.james@ilag.gov, Emma.Akrawi@maine.gov

VERIFICATION BY CERTIFICATION

Under penalties as provided by law, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true and correct.

Dated: April 15, 2025

Signed: TAREK FARAG, pro se.
411 N Warwick Ave, Westmont, IL 60559
Phone: 630 709 3965
Email: tarekfarag@comcast.net

U.S. District Court
District of Columbia

Notice of Electronic Filing

The following transaction was entered on 4/15/2025 at 10:38 PM and filed on 4/15/2025
Case Name: CLIMATE UNITED FUND V. CITIBANK, N.A. et al
Case Number: 1:25-cv-00698-TSC
Filer:
Document Number: No document attached

Docket Text:
MINUTE ORDER: DENYING [72] Motion to Intervene as a Defendant. Movant has not made a showing that he satisfies the requirements to intervene as of right under Fed. R.Civ. P. 24(a) because he (1) is not given an unconditional right to intervene by any federal statute, and (2) does not claim an interest relating to any property of transaction that is the subject of the action and is not so situated that disposing of the action may as a practical matter impair or impede his ability to protect that interest. The Court will not exercise its discretion to grant permissive intervention under Rule 24(b)(1) because movant does not have a claim or defense that shares with the main action a common question of law or fact. The Clerk of the Court shall send a copy of this Minute Order to pro se Movant. Signed by Judge Tanya S. Chutkan on 4/15/2025. (lcer)

1:25-cv-00698-TSC Notice has been electronically mailed to:
Kenneth Winn Allen winn.allen@kirkland.com
Theodore A.B. McCombs Theodore.mccombs@doj.ca.gov

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CLIMATE UNITED FUND, **Plaintiff,** **v.** **CITIBANK, N.A., et al.,** **Defendants**	**Case No. 25-cv-698 (and consolidated cases)**
COALITION FOR GREEN CAPITAL, **Plaintiff,** **v.** **CITIBANK, N.A., et al.,** **Defendants.**	
POWER FORWARD OMMUNITIES, INC. **Plaintiff,** **v.** **CITIBANK, N.A., et al.,** **Defendants**	
CALIFORNIA INFRASTRUCTURE & ECONOMIC DEVELOPMENT BANK, et al., **Plaintiffs,** **v.** **CITIBANK, N.A., et al.,** **Defendants.**	

STATE GREEN BANK PLAINTIFFS' OPPOSITION TO TAREK FARAG'S MOTION TO INTERVENE

CASES

CONSTITUTIONAL PROVISIONS

COURT RULES

INTRODUCTION

Plaintiffs California Infrastructure and Economic Development Bank, Efficiency Maine Trust, Illinois Finance Authority, and Minnesota Climate Innovation Finance Authority (together, State Green Banks) hereby oppose the motion to intervene by Tarek Farag (pro se) (ECF 72) (hereinafter "the motion").

Whether analyzed under the Rule 24 standard for intervention as of right or permissive intervention, the motion falls short. At the threshold, Tarek Farag (hereinafter "Proposed Intervenor") must establish Article

III standing for intervention under either standard. Proposed Intervenor fails to do this.

Proposed Intervenor may not intervene as of right because he has not shown an interest relating to the property or transaction that is the subject of the action. Instead, his most direct interest is in not paying taxes or utility fees that he attributes to climate science broadly, which he believes is a hoax. This lawsuit will not impede his ability to pursue claims related to this interest elsewhere.

Proposed Intervenor also fails to show that he qualifies for permissive intervention. The motion reveals no independent subject matter jurisdiction for his claims. He also presents no question of fact or law in common with the claims already involved in the case. Accordingly, the motion to intervene should be denied.

ARGUMENT

Intervention as a matter of right should be granted when a federal statute gives the proposed intervenor an unconditional right to intervene by statute. Fed. R. Civ. P. 24(a)(1). Alternatively, a proposed intervenor must demonstrate:

> (1) the timeliness of the motion; (2) that the applicant "claims an interest relating to the property or transaction which is the subject of the action"; (3) that the applicant is so situated that the disposition of the action may as a practical matter impair or impede the applicant's ability to protect that interest"; and (4) that "the applicant's interest is [not] adequately represented by existing parties."

Fund for Animals, Inc. v. Norton, 322 F.3d 728, 731 (D.C. Cir. 2003); Fed. R. Civ. P. 24(a)(2).

Rule 24(b) sets forth the standard for permissive intervention. "If a federal statute does not confer a conditional right to intervene. Rule 24(b)(2) requires a would-be intervenor to present '(1) an independent ground for subject matter jurisdiction; (2) a timely motion; and (3) a claim or defense

that has a question of law or fact in common with the main action.'" Envt'l Def. v. Leavitt, 329 F. Supp. 2d 55, 66 (D. D.C. 2004) (citing Equal Employment Opportunity Comm'n v. Nat'l Children's Ctr., Inc., 146 F.3d 1042, 1046 (D.C.Cir. 1998)).

Additionally, a proposed intervenor under Rule 24 must demonstrate Article III standing. Yoha Dehe v. United States Dep't of the Interior, 3 F.4th 427 (D.C. Cir. 2021); Roeder v. Islamic Republic of Iran, 333 F.3d 228, 233-234 (D.C. Cir. 2003).

I. THE PROPOSED INTERVENOR LACKS ARTICLE III STANDING.

The Proposed Intervenor's motion should be denied because he lacks standing to intervene in this case. "[W]here a party tries to intervene as another defendant, [courts] have required it to demonstrate Article III standing, reasoning that otherwise 'any organization or individual with only a philosophic identification with a defendant---or a concern with a possible unfavorable precedent---could attempt to intervene and influence the course of litigation." Crossroads Grassroots Policy Strategies v. Fed'l Elec. Comm'n, 788 F.3d 312, 316 (D.C. Cir. 2015) (internal quotations and citation omitted). As with other litigants, to meet Article III standing requirements, a proposed intervenor must establish (1) injury-in-fact, (2) causation, and (3) redressability. Fund for Animals, 322 F.3d at 732-33; see also Lujan v. Defenders of Wildlife, 504 U.S. 555, 560-61 (1992). Here, Proposed Intervenor has at best a philosophic identification with the defendant and has shown no injury-in-fact related to the nucleus of facts in this case. Accordingly, he fails to meet Article III standing requirements.

Proposed Intervenor shows no injury. He states that he has an interest in this case because the funds at stake are his money. Mot., ECF 72, at 3-4. This purported interest stems from being a taxpayer and his desire to not pay additional fees or higher prices to fund clean energy, as illustrated by his electric bill. Mot., ECF 72, at 4. But taxpayer standing of the type that the applicant alleges does not establish a "concrete and particularized" injury sufficient to invoke federal jurisdiction. DaimlerChrysler Corp. v. Cuno, 547 U.S. 332, 345 (2006) (citation omitted); see also Concerned Household Elec. Consumers Council v. EPA, No. 22-1139, 2023 WL 3643436, at *2 (D.C. Cir. May 25, 2023) (dismissing challenge to climate science for lack of standing based on paying electricity bills). As the Supreme Court has noted, "'interests of a taxpayer in the moneys of the federal treasury are too indeterminable, remote, uncertain and indirect' to support standing to challenge 'their manner of expenditure.'" Id. Nor does Plaintiff identify how the relief requested in this case could cause any future injury to Proposed Intervenor. Cf. Crossroads Grassroots Policy Strategies, 788 F.3d at 317-18.

Proposed Intervenor also fails to meet the "causation" prong of standing analysis. Plaintiffs' win or loss in this case would not impact any of his stated interests. His asserted general interest in proving that climate change is a "hoax" is also far too attenuated. Even if he were to prove this (and this is not one of the legal issues currently before the Court), it would not directly affect any of his concrete interests. See Deutsche Bank Nat'l Trust Co. v. F.D.I.C., 717 F.3d 189, 193 (D.C. Cir. 2013) (potential intervenor-defendant's claim of injury too attenuated to constitute injury because the intervenor's interest would only be at stake if the court reached a particular legal conclusion).

Relatedly, the remedy Proposed Intervenor seeks would not redress his injuries. Proposed Intervenor claims that "[t]he impact of these cases, goes far beyond its parties, and could legalize the illegal." Mot., ECF 72, at 4 (emphasis in original). As an example, he points to the fees on his utilities bill. Id. However, for the outcome of this case to have any impact on Proposed Intervenor's interests, intervening actors would need to take several additional actions that would not be controlled by this lawsuit. Accordingly, Proposed Intervenor has failed to show how this Court could enter any relief to redress his articulated injuries.

II. INTERVENTION UNDER FEDERAL RULE OF CIVIL PROCEDURE 24(A).

Although Proposed Intervenor claims to have an unconditional right to intervene under Rule 24(a)(1), he does not cite any statute or other authority for this position. Accordingly, the Court should analyze his motion to intervene using the factors set forth in Rule 24(a)(2). *Fund for Animals*, 322 F.3d at 731. The Court should deny the motion to intervene because although the application is timely, it fails to demonstrate any legally recognized interest in the property or transactions that are the subject of his case, and as a practical matter, this case would not impede any of the Proposed Intervenor's interests. Fed. R. Civ. P. 24(a)(2).

A. Timeliness

Plaintiff State Green Banks do not contest the timeliness of the motion to intervene.

B. Proposed Intervenor does not claim an interest relating to the property or transaction which is the subject of the action.

To intervene, an applicant must have an interest that relates to the subject of an action. An intervenor satisfies

this prerequisite "not [by] any interest the applicant can put forward, but only [by] a legally protectable one." Roane v. Gonzales, 269 F.R.D. 1, 3 (D.D.C. 2010) (internal quotation marks and citation omitted). A legally protectable interest is "of such a direct and immediate character that the intervenor will either gain or lose by the direct legal operation and effect of the judgment." United States v. Am. Tel. & Tel. Co., 642 F.2d 1285, 1291–92 (D.C. Cir. 1980). Proposed Intervenor has no interest in the property or transaction that is the subject of the action: He has no property interest in the funds held in the Citibank accounts at issue, he has no protectible interest in EPA's actions against the program or funds at issue in this case, the projects that will be funded by them, or the Greenhouse Gas Reduction Fund.

Proposed Intervenor quotes Nuesse v. Camp, 385 F.2d 694, 700 (D.C. Cir. 1967), for the proposition that courts should allow "as many apparently concerned persons [to intervene] as is compatible with efficiency and due process." Mot., ECF 72, at 3. The intervenor in Nuesse was a state bank regulator who moved to intervene because he wanted to "appear as a party to urge the construction of the federal statute that he claims is necessary to secure the state's interests." Id. at 701. Here, although the applicant claims scientific expertise in matters that be believes are related to this lawsuit, he asserts no interest in any legal matter that would actually be affected, even indirectly, by the legal claims likely to be addressed by this lawsuit. Accordingly, the application fails to show a sufficient interest to intervene in this matter.

C. The disposition of the action does not, as a practical matter, impede Proposed Intervenor's ability to protect his interest.

The application also fails to show that the case will interfere with Proposed Intervenor's ability to protect his interests. In assessing whether an applicant's interests may be impaired by the outcome of a lawsuit, courts look to the "practical consequences of denying intervention, even where the possibility of future challenge to the regulation remain[s] available." Fund for Animals, 322 F.3d at 735 (cleaned up). Here, Proposed Intervenor does not have any specific interest in defending Federal Defendants or Citibank against Plaintiffs' challenge, nor will he be harmed by the Plaintiffs having access to their grant funds to complete their projects.

Instead, Proposed Intervenor's specific interest is in demonstrating that climate change is a hoax, invalidating all orders and laws that rely on it, and "to stop paying money to enforce the Hoax." Mot., ECF 72, at 4. His requested relief is for this Court to "(1) Declare that the claims that burning fossil fuel generating CO2 could cause global warming have no scientific basis" and "(2) Invalidate all administrative orders, laws, subsidiaries, etc. to combat Man-Made-Global-Warming, or promote Zero-Carbon emission that are not based on solid science." Proposed Pleadings, ECF 72, ¶ 15. The foundational science of climate change and all administrative orders and laws related to it are not subjects of this litigation. As a result, the outcome of this case will not impact Proposed Intervenor's ability to pursue his claims in a different lawsuit.

D. Applicant's interest is adequately represented by the existing parties.

Proposed Intervenor has no legally cognizable interest in the property or transaction that is the subject of this litigation, and disposition of this action will not impede his ability to protect his interests as a practical matter.

Accordingly, he has no greater interest in this litigation than any other person, and his interests will be adequately represented by the existing parties.

III. PERMISSIVE INTERVENTION

Where an applicant fails to satisfy the conditions for intervention as of right, the Court may grant a timely motion to an applicant intervenor who "has a claim or defense that shares with the main action a common question of law or fact." *Fed. R. Civ. P. 24(b)(1)*. The applicant must also show an independent ground for subject matter jurisdiction. *E.E.O.C. v. Nat'l Children's Ctr., Inc., 146 F.3d 1042, 1046 (D.C.Cir.1998))*. In exercising its discretion to determine whether to allow permissive intervention, the Court should consider whether the intervention will unduly delay or prejudice the adjudication of the original parties' rights." Fed. R. Civ. P. 24(b). Ultimately, even if a would-be intervenor has established the factors to consider for permissive intervention, it is within the court's discretion whether to grant permission to intervene. *Nat'l Children's Ctr.*, 146 F.3d at 1048.

Proposed Intervenor fails to point to any statute conferring upon him an individual right to intervene. Accordingly, for the Court to grant the applicant permissive intervention, he must first satisfy the three-factor test set forth in Rule 24(b)(2). Although the motion to intervene is timely, Proposed Intervenor fails to meet the necessary conditions in the other two factors.

As to the first factor, Proposed Intervenor does not identify an independent basis for subject matter jurisdiction. His pleadings ask this Court to "[i]nvalidate all administrative orders, laws, subsidiaries, etc. to combat Man-Made-Global-Warming, or promote Zero-Carbon

emission, that are not based on solid science." Proposed Pleading, ECF 72, ¶ 15. But the proposed pleadings contain no citations to violations of federal law, or any law for that matter. Instead, the pleadings almost entirely contain a summary of the proposed presentation that he would offer, ostensibly as an expert in the case. Proposed Pleadings, ECF 72, ¶¶ 3-13. As the applicant has not shown any independent basis for this Court's subject matter jurisdiction over his claims and he lacks Article III standing (*supra, at pp. 6-7*), the first factor for permissive intervention is not met.

As to the third factor, Proposed Intervenor does not present a claim that has a question of law or fact in common with the main action. Proposed Intervenor claims that he "shares a common question of fact 'burning fossil fuel does not cause global warning,' which is the basis for the fraudulent allocation of [the grant awards in this case]." Mot., ECF 72, at 6. But this is not one of the questions presented by this case. Neither Federal Defendants nor Citibank have indicated that they will defend this case by attempting to prove climate change a "hoax." See Fed. Def.'s Opp. to Mot. for Preliminary Injunction, ECF 49, at 8-20; Citibank's Response to Mot. for Preliminary Injunction, ECF 48, at 12-16. See also Deus v. Allstate Ins. Co., 15 F.3d 506, 525 (5th Cir.1994) ("The intervention rule is . . . not intended to allow the creation of whole new lawsuits by the intervenors.").

Even if the above factors for permissive intervention were met, the Court would be well within its discretion to deny intervention here. Nat'l Children's Ctr., 146 F.3d 1046, 1048 (describing permissive intervention as an "inherently discretionary enterprise. As Proposed Intervenor's proposed pleadings make clear, the actual role he seeks is not intervenor-defendant, but instead expert

witness. Intervention under Rule 24 is not the appropriate method for obtaining that role. Furthermore, it would prejudice the parties and delay the proceedings to allow him entry into this case to provide testimony where the testimony is not relevant to the current issues before the case and has not been introduced by any litigating party.

CONCLUSION

For the above reasons, the Court should deny the motion to intervene.

Date: April 14, 2025 Respectfully submitted

ROB BONTA
Attorney General of California

s/ Meghan Strong
MEGHAN STRONG
THEODORE A. MCCOMBS
JOHN D. ECHEVERRIA
DYLAN REDOR
MEGAN RICHARDS
Deputy Attorneys General
California Department of Justice
455 Golden Gate Avenue
San Francisco CA 94102
(415) 510-3877
meghan.strong@doj.ca.gov

Attorneys for California

KEITH ELLISON
Minnesota Attorney General

s/ Peter N. Surdo
PETER N. SURDO
Special Assistant Attorney General
OLIVER LARSON
Manager, Environment and Natural Resources Division
CATHERINE RIOS-KEATING
Special Assistant Attorney General
Minnesota Attorney General's Office
445 Minnesota Street, Suite 600
651-757-1061
peter.surdo@ag.state.mn.us

Infrastructure and Economic Development Bank

Attorneys for Minnesota Climate Innovation Finance Authority

KWAME RAOUL
Attorney General of Illinois

s/ Jason E. James
JASON E. JAMES
Assistant Attorney General
MATTHEW J. DUNN
Chief, Environmental Enforcement/Asbestos Litigation Division
Office of the Attorney General of Illinois
201 W. Pointe Drive, Suite 7
Belleville, IL 62226
(217) 843-0322
jason.james@ilag.gov

Attorneys for Illinois Finance Authority

AARON M. FREY
Attorney General of Maine

s/ Emma Akrawi
EMMA AKRAWI
SCOTT W. BOAK
Assistant Attorneys General
Office of the Maine Attorney General
6 State House Station
Augusta, ME 04333
(207) 626-8800
Emma.Akrawi@maine.gov

Attorneys for Efficiency Maine Trust

CERTIFICATE OF SERVICE

Case Name: CLIMATE UNITED FUND, et al. v. CITIBANK, N.A., et al. No. 25-cv-698 (and consolidated cases)

I hereby certify that on April 14, 2025, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

STATE GREEN BANK PLAINTIFFS' OPPOSITION TO TERREX FARGO'S MOTION TO INTERVENE

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct, and that this declaration was executed on April 14, 2025, at Fairfield, California.

Shontane Adams

_____ _____.

Declarant Signature

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CLIMATE UNITED FUND, ET AL., **Plaintiffs,** **v.** **CITIBANK, N.A., ET AL.** **Defendants.**	Consolidated Case No: **1:25-cv-00698 (TSC)** Case No: **1:25-cv-00820**

MOTION TO INTERVENE AS A DEFENDANT

Tarek Farag (hereinafter **Farag**) (pro se), states the following under oath:

1- Farag was going to intervene in case No: 1:25-cv-820 filed 3/19/25, after he knew about it around 3/24/25, he immediately started preparing his motion to intervene. The Court consolidated it with other similar cases, hence, his intervention could apply to the other cases.

2- Farag didn't confer with the Plaintiffs about his intervention due to the urgency and his belief that they must oppose it. However, he called Mr. Marc Sacks (attorney for DOJ), on 3/26/25 at 12:29 PM, on his phone number: 202-307-1104, to offer him the information to support the EPA's position and avoid intervening in the case. However, Mr. Sacks was not interested, indicating that the government lawyers will not expose the huge fraud involved in the Billions at stake.

3- Upon the information Farag collected during his long research on the claims that "burning fossil fuel could cause harmful global warming" (hereinafter a **Hoax**), he believes

that there is an International Criminal Enterprise that use the Hoax to enrich themselves, and sometimes just to cause destruction. It includes politicians, officials, lawyers, judges, business people, etc.

4- The dollars disputed are **$27 billion** (not million) that can spoil most people, and **once these billions are distributed, they will be gone forever**. The plaintiffs claim "*EPA can terminate a grant only if the grantee violates the grant's terms and conditions, engages in certain illegal*

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> and is so situated that disposing of the action may as a practical matter impair or impede the movant's ability to protect its interest, unless existing parties adequately represent that interest.

Under the first scenario, Farag has unconditional right and duty to intervene to protect the public interests and stop the fraud; in addition, without his intervention those billions will be lost forever. Under the second scenario, a petitioner must meet four criteria to intervene as of right: "(1) timely application; (2) an interest relating to the subject matter of the action; (3) potential impairment, as a practical matter, of that interest by the disposition of the action; and (4) lack of adequate representation of the interest by the existing parties to the action." Reich v. ABC/York-Estes Corp.,64 F.3d 316, 321 (7th Cir. 1995). Consistent with all other federal courts of appeal, the Ninth Circuit applies this test broadly in favor of intervention:

> "***A liberal policy in favor of intervention serves both efficient resolution of issues and broadened access to the courts. By allowing parties with a practical interest in the outcome of a particular case to intervene, we***

> ***often prevent or simplify future litigation involving related issues; at the same time, we allow an additional interested party to express its views before the court***".[United States v. City of L.A., Cal., 288 F.3d 391, 397-98 (9th Cir. 2002)].

Thus, courts assess a motion to intervene "primarily by practical considerations, not technical distinctions." [Sw. Ctr. for Biological Diversity v. Berg, 268 F.3d 810, 818 (9th Cir. 2001)]. As discussed below, Farag meets each of the requirements for intervention as of right.

(1) Farag's motion to intervene is timely. Case No: 1:25-cv-820 was filed on 3/19/25, and Farag (pro se) knew about it 3/24/25, and it was consolidated with other cases on 3/25/25, and he tried to finish preparing his motion on Friday 3/28/25, which is practically "instantaneous".

(2) Farag has an interest relating to the subject matter of the action. The interest requirement of Rule 24(a) is "*primarily a practical guide to disposing of lawsuits by* ***involving as many apparently concerned persons*** *as is compatible with efficiency and due process.*"[Nuesse v. Camp, 385 F.2d 694, 700 (D.C. Cir. 1967); see Wilderness Soc'y v. U.S. Forest Serv., 630 F.3d 1173, 1179 (9th Cir. 2011)]. Accordingly, no specific legal or equitable interest need be

> *intervenor's arguments;*
>
> *(2) whether the present party is capable and willing to make such arguments; and*
>
> *(3) whether the would-be intervenor would offer any necessary elements to the proceedings that other parties would neglect.*[Citizens for Balanced Use, 647 F.3d at 898; Trbovich v. United Mine Workers of Am., 404 U.S. 528, 538 n.10 (1972); Sw. Ctr. for Biological Diversity, 268 F.3d at 823; Nuesse, 385 F.2d at 703].

Farag is interested in **eliminating his payments to enforce the Hoax and to stop the fraud**. Citibank is interested in following the banking rules. **The EPA's lawyers** are pursuing a dangerous direction as shown in their opposition in case 1:25-cv-698 [Doc 16, pg 8, 9, 22]. Instead of attacking the fraud, which is the root of the problem as Mr. Zeldin stated, **they are opening a window for the plaintiffs to snatch those billions, and more, and fly with them.** They are **weakening** the position of the EPA as if it is interested only in **having control.** This is also evident from Mr. Sacks refusal to receive Farag's evidence to prove the fraud. **They** even assert the right of the plaintiffs to get those billions, which would help the **plaintiffs prove that they could succeed on the merits**. Here are some statements of the EPA's lawyers: "*EPA explained that the existing grants lacked adequate controls and should be* ***re-awarded*** *under new agreements that ensure the EPA retains adequate oversight*", "*EPA has announced that it* ***intends to redeploy that money*** *consistent with Congress's authorization*", "*EPA has concluded that the existing regime provides inadequate oversight and controls*", and "EPA's directive to Citibank was not a final agency action". Farag is wondering if the named EPA's Attorneys: Yaakov Roth, Marc S. Sacks, Kirk T. Manhardt, and Kevin P. Vanlandingham, all agreed on the stated statements!

8- ALTERNATIVELY, FARAG IS ENTITLED TO PERMISSIVE INTERVENTION.

As with intervention as of right, permissive intervention is construed liberally in favor of the moving party [City of L.A., 288 F.3d at 397–98]. Permissive intervention should be allowed under Fed. R. Civ. P. 24(b) as long as the applicant for intervention establishes that "*(1) it shares a common question of law or fact with the main action; (2)*

its motion is timely; and (3) the court

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CLIMATE UNITED FUND, ET AL., **Plaintiffs,** **v.** **CITIBANK, N.A., ET AL.** **Defendants.**	Consolidated Case No: **1:25-cv-00698 (TSC)** Case No: **1:25-cv-00820**

FARAG'S PLEADINGS TO ACCOMPANY HIS MOTION TO INTERVENE

The movant Tarek Farag, pro se (hereinafter Farag), states the following:

9- Farag is in complete agreement with the current EPA's Director Mr. Lee Zeldin's findings that the billions in dispute are the result of **fraud, waste, and abuse**. Mr. Zeldin didn't get the time to collect enough evidence to criminally prosecute the perpetrators, and was right to refer the investigations to the DOJ and the FBI. However, Farag has already the required evidence that the previous administration **refused to act upon**, and he is fulfilling his duties to protect the public's interest by presenting them and intervening.

10- The Congress allocated those billion based on a big lie (Hoax) that "burning fossil fuel is causing harmful global warming", and wrongfully characterizing CO2 as a

pollutant, which **were disputed** by two distinguished professors in their testimonies before Congress **April 2022**.

11- During his research, Farag submitted a FOIA request to the EPA [Tracking Number EPA-2022-001766, Requester Name Dr. TAREK FARAG, Submitted Date 01/05/2022], requesting the following (the format is exactly the same):

> *"Please provide all the SCIENTIFIC: data, reports, analysis, experiments, studies, etc. that show the GOOD and BAD effects of the: "MAN-MADE-CLIMATE-CHANGES", and support its existence or its future existence, according to which the agency and the US government concluded and/or recommended and/or ACTED and/or joined national or international organizations to COMBAT this man-made climate changes.*
> *Note: Most of the requested materials could be in electronic format, I accept its delivery by*

radiative imbalance at the TOA in the clear-sky energy budget (Figure 7.2, lower panel), ***suggesting*** *that the Earth would warm substantially if there were no clouds*". The 20 W/m2 IPCC estimated is a factual number not a feeling and IPCC should not use the word "suggesting". In contrast, on page 1022, IPCC stated "*Scientists have made significant progress over the past decade and are now more confident that changes in clouds will amplify, rather than offset, global warming in the future*". There is no basis for their statement of "more confident" since it did not specify the magnitude or the direction of their predicted changes. In contrast, on page 1022, IPCC stated "*Scientists have made significant progress over the past decade and are now more confident*

that changes in clouds will amplify, rather than offset, global warming in the future". There is no basis for their statement of "more confident" since it did not specify the magnitude or the direction of their predicted changes and the statement by itself is not scientific because there is always uncertainty.

8- IPCC is showing two diagrams in page 934 (shown here as Fig 1 and Fig 2) that represent gross scientific errors:

8-1 The Earth's surface in "All Sky" receives 160 W/m2 of the Sun's energy while emitting 398 W/m2 (not adding evaporation and sensible heat), which is more than the stated Sun's incoming energy of 160 W/m2 at the Earth's surface and the 340 W/m2 at TOA. This is not logically or scientifically possible, it is fraud (a child wouldn't miss).

8-2. The Earth's atmosphere absorbs a total of 399 W/m2 (80+160+ 398-239 = 399), which means that the Earth is dangerously HEATING with energy MORE THAN THE INCOMING SUN'S ENERGY, which is not logically or scientifically possible.

8-3. Having this incorrect information for many years without correction or explanation is highly unprofessional, because it misleads people to wrong conclusions and actions. Many people trusted these reports and used their data without confirming its veracity.

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9- Both IPCC and NASA manipulated 10 years data to prove their Global Warming Hoax, instead of changing their models to agree with the measurements [IPCC (935) "*is not sufficient to quantify - -, the CERES EBAF reflected*

solar and emitted thermal TOA fluxes were ***adjusted****, - - to* ***ensure*** *that the net TOA flux for* ***July 2005 to June 2015*** *was* ***consistent with the estimated*** *Earth's energy balance for the same period - -"*].

10- Most of the references IPCC uses are its own that could be similarly misstated.

11- Increasing CO2 will increase vegetative growth on the earth, which is a very desirable thing. According to NASA "*Studies have shown that higher concentrations of atmospheric carbon dioxide affect crops in two important ways: they boost crop yields by increasing the rate of photosynthesis, which spurs growth, and they reduce the amount of water crops lose through transpiration - - and thus increased water-use efficiency*" The CO2- Coalition quantified the increase in crop biomass, resulting from adding 300 ppm CO2, to be from 41% to 77.8%.

12- Increasing CO2 levels from 400 to 800 ppm, will cool the Earth. Assume that the average proficiency of photosynthetic is 4.5%, the green land is 32% of Earth's land, which is 29% of Earth's total surface area, and the Sun's energy reaching Earth's surface is 160 W/m2. Then the plants are storing about 0.668 W/m2 (.045 x .32 x 0.29 x 160 = 0.668). Assuming that CO2 is doubled to 800 ppm, which would result in 55% to 104% increase in biomass of plants of an average of 79.5%. This means that increasing CO2 to 800 ppm would make the plants store an additional 79.5% of energy, i.e., 0.53 W/m2 (0.795 x 0.668 = 0.53), which would cool the Earth's surface with a total amount of 1.198 W/m2. However, if we assume that sea plants (planktons) will have growth similar to land plants of an average 79.5%, and the entire water surface is occupied with sea plants, we get an energy storage of 5.11 W/m2 (0.045 efficiency x 0.71 water area x 160 = 5.11). Increasing CO2 to 800 ppm, would give us additional storage of 4.06 W/m2 (5.11 x .795). Adding land and water extra storage; we get 4.73 W/m2. This would

reduce the

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14- Granting Farag's intervention should not delay the adjudication of the case, it will expedite it. The Court can hold a hearing to find the **scientific facts about the Hoax,** which will prove that the Hoax is a hoax**, w**hich could end the litigations before their start.

15- Farag would like to ask the Court to allow him to file his documents electronically, and receive the previous and future filings electronically to his email: tarekfarag@comcast.net.

WHEREFORE, Tarek Farag, respectfully requests that this Honorable Court grant the following:

7) Declare that the claims that burning fossil fuel generating CO2 could cause global warming has no scientific basis, and the Man-Made-Global-Warming and the Zero-Carbon emission are destructive non-scientific issues.
8) Invalidate all the administrative orders, laws, subsidiaries, etc. to combat Man-Made-Global-Warming, or promote Zero-Carbon emission, that are not based on solid science.
9) Take any additional actions this Honorable Court sees as proper and just.

Respectfully submitted this 15th day of April 2025,

TAREK FARAG
Proposed Intervenor, pro se.
411 N Warwick Ave, Westmont, IL 60559
630 709 3965
tarekfarag@comcast.net

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CALIFORNIA INFRASTRUCTURE AND ECONOMIC DEVELOPMENT BANK, ET AL., Plaintiffs, v. CITIBANK, N.A., ET AL., Defendants	Civil No. **25-cv-820** COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Plaintiffs California Infrastructure and Economic Development Bank ("California IBank" or "IBank"), Efficiency Maine Trust ("Efficiency Maine"), Illinois Finance Authority ("Illinois Climate Bank"), and Minnesota Climate Innovation Finance Authority ("MnCIFA"), by and through their respective undersigned counsel, for their complaint against defendants Citibank, N.A. ("Citibank"), U.S. Environmental Protection Agency ("EPA"), Lee Zeldin, in his official capacity as EPA Administrator, and W.C. McIntosh, in his official capacity Acting EPA Deputy Administrator, allege as follows.[1]

PRELIMINARY STATEMENT

1. This action seeks declaratory and injunctive relief against EPA's unlawful efforts to impede the flow of billions of dollars in duly appropriated, awarded, and disbursed funds to the recipients that Congress expressly intended to support: "green banks," i.e., "organizations

that provide capital, leverage private capital, and provide other forms of financial assistance to the rapid deployment of low- and zero-emission products, technologies, and services." 42 U.S.C. § 7434(c)(1). Plaintiffs are state green banks, public or quasi-public entities that provide crucial financial services to pollution-reducing projects in their States. Since February 12, 2025, EPA has pursued a highly irregular and illegal campaign to thwart the $20 billion appropriation that Congress made for Plaintiffs' "green lending" activities, consistent with the President's declared policy opposition to the law that created that appropriation. EPA's campaign violates fundamental constitutional guarantees of liberty in the separation of powers and flouts myriad statutory and regulatory controls on federal agencies' management of Congressional appropriations and finalized awards.

2. In an arrangement common for federal public-private partnerships, the grants that support these green lending activities placed awarded funds at Citibank as a financial agent for the federal government. See 12 U.S.C. §§ 90, 265. Accordingly, Citibank has been one of the primary targets of EPA's pressure campaign. Apparently bowing to those efforts, last month, Citibank stopped honoring Plaintiffs' and other grantees' instructions to draw down funds, in violation of the plain terms of the governing account control agreements. Accordingly, this action also seeks relief against Citibank for breach of contract.

3. The division of powers between the federal branches is clear: "the legislature makes, the executive executes, and the judiciary construes the law." Wayman v. Southard, 23 U.S. (10 Wheat.) 1, 46 (1825) (Marshall, C.J.). In 2022, both houses of Congress passed, and the President signed, the Inflation Reduction Act, Pub. L. No. 117-169, 136 Stat. 1818, which added Section 134 to the Clean Air Act,

see id. § 60103, 136 Stat. 2065-67. Section 134 creates the Greenhouse Gas Reduction Fund and appropriates $20 billion to green lending activities, with $8 billion earmarked for green lending to low-income and disadvantaged communities. 42 U.S.C. § 7434(a)(2)-(3). Congress instructed EPA to "make grants" within 180 days to recipients—with an ultimate deadline of September 30, 2024—to support either direct lending to greenhouse gas-reducing projects, or indirect investment, i.e., providing funds and technical assistance to create new or support existing green banks at the state and local level. Id. § 7434(a)(2)-(3), (b).

4. EPA faithfully executed Congress's vision for the Greenhouse Gas Reduction Fund—until about two months ago. EPA established two grant programs, the National Clean Investment Fund (NCIF) and Clean Communities Investment Accelerator (CCIA) to distribute the $20 billion appropriations to eligible green banks for direct and indirect investment. EPA established a third program, Solar For All, to fund the deployment of cheap, reliable, and zero-emission distributed electricity generation in communities under a $7 billion appropriation also under the Greenhouse Gas Reduction Fund. 42 U.S.C. § 7434 (a)(1). Most relevant here, on August 8, 2024, EPA finalized a $5 billion award to the Coalition for Green Capital (CGC) as prime grantee with the express goal of "foster[ing] an ecosystem of green banks, community lenders, and community partners by providing them with capital, co-investment opportunities, and other services." Plaintiffs in this action are all subawardees supported by CGC's $5 billion award from EPA.

5. On his first day in office, January 20, 2025, President Trump announced his administration's policy of "[t]erminating the Green New Deal"—his nickname for

the Inflation Reduction Act of 2022 and the Infrastructure Investment and Jobs Act, Pub. L. No. 117-58, 135 Stat. 429 (2021) (sometimes called the Bipartisan Infrastructure Law). Exec. Order 14154, 90 Fed. Reg. 8353, 8357 (Jan. 29, 2025). Consistent with this directive and other agency pronouncements, EPA began "freezing" Inflation Reduction Act and Infrastructure Investment and Jobs Act funds in the final weeks of January 2025—i.e., it refused to disburse funds to grant recipients under awards funded by appropriations from either Act, including Solar For All awards under the Greenhouse Gas Reduction Fund. That unlawful and arbitrary action—part of a broader, government-wide freeze on federal financial assistance—was later enjoined by the U.S. District Court for the District of Rhode Island in State of New York v. Trump, No. 1:25-cv-0039-JJM-PAS.

6. Due to the different structure of the NCIF and CCIA grant programs, however, EPA had to pursue a different tactic against these Inflation Reduction Act funds. Because Congress directed EPA to support recipients that could "provide capital" and "leverage private capital" for green lending, 42 U.S.C. § 7434(c)(1)(A), EPA originally opted to deposit NCIF and CCIA funds at a private bank—Citibank—as the financial agent of the federal government. See generally 31 C.F.R. Part 202 (regulations for depositaries and financial agents of the federal government). But this meant that EPA under the new administration could not simply block awardee draw-downs in its payment portal, as EPA had done for other Inflation Reduction Act-funded awards. The money was at Citibank.

7. What followed was an extraordinary campaign by EPA Administrator Lee Zeldin to undermine public confidence in his own agency's integrity. Riffing off a hidden-camera

exposé by a partisan activist group, Administrator Zeldin posted a video on social media on February 12, 2025, claiming his team had "found" $20 billion in funds "parked" at Citibank by the previous administration and characterizing the financial agent arrangement as a "scheme" to "shovel[] boatloads of cash to far-left activist groups." On February 23, Administrator Zeldin declared the Greenhouse Gas Reduction Fund was a "criminal" scheme on national television. EPA and its officials knew these attacks on the NCIF awards were at bottom attacks on the structure and purposes of the Greenhouse Gas Reduction Fund as Congress had created it. But when the Washington Post fact-checked the administration's attacks on the NCIF awards as "overblown," EPA's press office on March 6 accused the paper of having "devolved into the radical left's own Pravda."

8. EPA apparently then used the coercive power of federal law enforcement to cause Citibank to "freeze" the NCIF and CCIA funds it held for accountholders, in plain violation of the account control agreements governing these funds. As early as February 14, accountholders including Plaintiffs, CGC, and other prime grantees under the NCIF and CCIA awards instructed Citibank to disburse their funds, but Citibank has declined to honor those instructions. Based on public news reporting—including reporting on the high-profile resignation of a veteran federal prosecutor—Plaintiffs believed that Citibank was acting in response to a letter sent by the Federal Bureau of Investigation (FBI) advising Citibank to freeze these funds. However, in recent communications and filings, Citibank has made clear it is taking direction from EPA, and that the actions by FBI, the U.S. Department of Justice, and the U.S. Treasury Department, are all traceable to EPA's campaign to baselessly

characterize the NCIF and CCIA awards as fraudulent schemes.

9. Finally, on March 11, shortly after prime NCIF grantee Climate United Fund sought a temporary restraining order to enjoin EPA's unlawful actions, EPA sent NCIF and CCIA awardees a notice to terminate their awards effective immediately.

10. EPA's actions are unconstitutional and violate the Administrative Procedure Act. Instead of executing the law as Congress passed it, EPA and its officials have impeded the flow of capital to green banks that Congress intended. Defendants' actions violate the separation of powers by usurping the legislative prerogative to repeal or amend federal appropriations, violate the clauses of the Constitution that govern the repeal or amendment of federal law, and violate the Executive Branch's duty to execute Congress's laws "faithfully" even when the Executive disfavors the policy behind them. EPA also acted ultra vires, contrary to statutory and regulatory law, and arbitrarily and capriciously by pursuing unsupported claims of waste, fraud, and abuse and unlawfully terminating the NCIF award, outside of the regular grant management procedures for suspected waste, fraud and abuse or award termination, in order to carry out an executive policy of "[t]erminating" the Inflation Reduction Act.

11. Plaintiffs—and the Congressionally-mandated mission that they are charged with fulfilling—have been and will continue to be harmed by EPA's unprecedented attacks on the Greenhouse Gas Reduction Fund. While some of Plaintiffs' States have long undertaken green lending activities, others formed green banks in response to and in reliance on Congress's express encouragement and financial support—i.e., "funding and technical

assistance to establish new . . . public, quasi-public, not-for-profit, or nonprofit entities" for green lending, 42 U.S.C. § 7434(b)(2) (emphasis added)—such that the abrupt freeze and termination of their subawards threatens their ability to carry out their founding mission at all. For new and established green banks alike, confidence in the liquidity and availability of funds is vital to their core lending activities, and EPA's efforts to "poison the well" will cause lasting and irreparable reputational harm to the green banks. Plaintiffs are entitled to declaratory and injunctive relief against EPA and its officials to undo Defendants' unlawful freezes and arbitrary grant termination. Such relief is crucial to ensuring that state green banks can move forward with the critical work provided for in the Inflation Reduction Act—which remains good law to this day—and assuring markets that the funds Congress provided for environmentally sustainable projects will in fact be available.

12. Citibank's actions breached its contracts with Plaintiffs. Citibank has refused to honor Plaintiffs' valid disbursement requests, despite its unambiguous contractual obligation to do so. The governing contracts provide one exclusive mechanism for Citibank to refuse to follow accountholders' instructions, and that mechanism has not been invoked. In disregarding Plaintiffs' instructions, Citibank has wrongfully withheld the award funds that Plaintiffs have an immediate right to possess. Its actions are willful or, at the very least, based on gross negligence.

13. Plaintiffs' access to their funds should be restored. The Court should direct Citibank to specifically perform its contractual obligations to disburse funds upon instruction and award Plaintiffs any consequential damages for Citibank's breach.

COUNT 1

VIOLATION OF THE ADMINISTRATIVE PROCEDURE ACT, 5 U.S.C. § 706(2): UNLAWFUL AS CONTRARY TO LAW, ULTRA VIRES (Federal Defendants)

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COUNT 2

VIOLATION OF THE ADMINISTRATIVE PROCEDURE ACT, 5 U.S.C. § 706(2): UNLAWFUL AS CONTRARY TO UNIFORM GRANT GUIDANCE (Federal Defendants)

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COUNT 3

VIOLATION OF THE ADMINISTRATIVE PROCEDURE ACT, 5 U.S.C. § 706(2): ARBITRARY AND CAPRICIOUS (Federal Defendants)

****

COUNT 4

EQUITABLE ULTRA VIRES—CONDUCT OUTSIDE THE SCOPE OF STATUTORY AUTHORITY CONFERRED ON THE EXECUTIVE (Federal Defendants)

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COUNT 5

VIOLATION OF THE SEPARATION OF POWERS—USURPING THE LEGISLATIVE FUNCTION; APPROPRIATIONS CLAUSE; SPENDING CLAUSE;

LEGISLATIVE VESTING CLAUSE (Federal Defendants)

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COUNT 6

VIOLATION OF THE SEPARATION OF POWERS—TAKE CARE CLAUSE (Federal Defendants)

****

COUNT 7

VIOLATION OF THE SPENDING CLAUSE AND TENTH AMENDMENT (Federal Defendants)

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COUNT 8

BREACH OF CONTRACT (Citibank)

****

COUNT 9

SPECIFIC PERFORMANCE (Citibank)

****

COUNT 10

CONVERSION (Citibank)

****

COUNT 11

REPLEVIN (Citibank)

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PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that the Court:

1. Issue a judicial declaration that Defendants EPA, Zeldin, and McIntosh's actions to direct Citibank to freeze Plaintiffs' funds and to terminate the NCIF award are unconstitutional and/or unlawful because they violate the APA and the U.S. Constitution;

2. Pursuant to 5 U.S.C. § 706, vacate the purported termination of the NCIF award;

3. Preliminarily and permanently enjoin the federal Defendants from issuing instructions to Citibank to freeze, withhold, or transfer NCIF funds except in strict accordance with the terms of the Financial Agency Agreement;

4. Issue a judicial declaration that Citibank's failure to honor Plaintiffs' instructions to disburse funds in their accounts violates the Account Control Agreements and other applicable law and constitutes breach of contract and a conversion of Plaintiffs' accounts and the funds therein;

5. Enjoin and order Citibank to cease wrongfully detaining Plaintiffs' funds by failing to comply with Plaintiffs' lawful and valid instructions directing the disposition of funds and financial assets in Plaintiffs' accounts, and directing Citibank to specifically perform its contractual obligations under the ACAs, including by complying with Plaintiffs' valid and lawful instructions, both with respect to Plaintiffs' previously submitted instructions and any future instructions;

6. Award damages against Citibank, in an amount to be determined at trial;

7. Award the Plaintiffs their reasonable fees, costs, and expenses, including attorneys' fees, pursuant to 28 U.S.C. § 2412; and

8. Grant other such relief as this Court may deem proper.

Respectfully submitted,

ROB BONTA
Attorney General of California

s/ Meghan Strong
MEGHAN STRONG
THEODORE A. MCCOMBS
JOHN D. ECHEVERRIA
DYLAN REDOR
MEGAN RICHARDS
Deputy Attorneys General
California Department of Justice
455 Golden Gate Avenue
San Francisco CA 94102
(415) 510-3877
meghan.strong@doj.ca.gov

Attorneys for California Infrastructure and Economic Development Bank

KEITH ELLISON
Minnesota Attorney General

s/ Peter N. Surdo
PETER N. SURDO
Special Assistant Attorney General
OLIVER LARSON
Manager, Environment and Natural Resources Division
CATHERINE RIOS-KEATING
Special Assistant Attorney General
Minnesota Attorney General's Office
445 Minnesota Street, Suite 600
651-757-1061
peter.surdo@ag.state.mn.us

Attorneys for Minnesota Climate Innovation Finance Authority

KWAME RAOUL

AARON M. FREY

Attorney General of Illinois

s/ Jason E. James
JASON E. JAMES
Assistant Attorney General
MATTHEW J. DUNN
Chief, Environmental
Enforcement/Asbestos
Litigation Division
Office of the Attorney
General of Illinois
201 W. Pointe Drive, Suite 7
Belleville, IL 62226
(217) 843-0322
jason.james@ilag.gov

Attorneys for Illinois Finance Authority

Attorney General of Maine

s/ Emma Akrawi
EMMA AKRAWI
SCOTT W. BOAK
Assistant Attorneys General
Office of the Maine Attorney
General
6 State House Station
Augusta, ME 04333
(207) 626-8800
Emma.Akrawi@maine.gov

Attorneys for Efficiency Maine Trust

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001

May 13, 2025

Tarek Farag
411 N. Warwick Avenue
Westmont, IL 60559

RE: "Extraordinary Writ of Certiorari"
USDC No. 1:25-cv-00698

Dear Mr. Farag:

Returned are 10 booklets of the above-entitled submission postmarked May 7, 2025 and received May 13, 2025.

It is unclear what you are attempting to file. A petition for writ of certiorari and an extraordinary writ cannot be filed together in the same petition. To the extent you intend to file a petition for writ of certiorari which seeks review of case numbers 25-5122 and 25-5123 in the United States Court of Appeals for District of Columbia Circuit, you cannot seek review of the aforementioned cases as it appears you are not a party to the case. An attorney seeking to file a document in this Court in a representative capacity must first be admitted to practice before this Court as provided in Rule 5, except that admission to the Bar of this Court is not required for an attorney appointed under the Criminal Justice Act of 1964, see 18 U. S. C. § 3006A(d)(7), or under any other applicable federal statute. The attorney whose name,

address, and telephone number appear on the cover of a document presented for fling is considered counsel of record. Rule 9.1.

To the extent you intend to file an extraordinary writ, the petition must comply with Rule 20. The cover and body of the petition must specify what kind of extraordinary writ you intend to file and it must comply with Rule 20.1, 20.2, 20.3, and 20.4, respectively.

Your check for $300 is herewith returned.

Sincerely,
Scott S. Harris, Clerk
By:
Angela Jimenez
(202) 479-3392