



U.S. Department of Justice

Office of the Solicitor General

The Solicitor General

Washington, D.C. 20530

September 1, 2020

Honorable Scott S. Harris
Clerk
Supreme Court of the United States
Washington, D.C. 20543

Re: *Trump v. Sierra Club*, No. 20-138

Dear Mr. Harris:

The government filed a petition for a writ of certiorari in the above-captioned case on August 7, 2020. Any briefs in opposition are due on September 8, 2020. We write to clarify a statement made in the section of the petition listing the parties to the proceeding, as required by Rule 14.1(b)(i) of the Rules of this Court.

The petition seeks review of two related Ninth Circuit cases, including *California v. Trump*, 963 F.3d 926 (2020) (Pet. App. 78a-173a). In the list of parties to the proceeding, the government identified the respondents in *California* as 19 States and one state attorney general, all of whom are identified as plaintiffs-appellees on the court of appeals' docket and in the caption to the published opinion issued by that court. See Pet. II-III (parties to the proceeding); Pet. App. 78a (caption). After conferring with counsel for the State of California, the government has determined that, contrary to the court of appeals' docket (and the government's docketing submissions below), the plaintiff States other than California and New Mexico were not properly appellees with respect to the orders on appeal. In the *California* litigation, the district court entered partial final judgment only with respect to California and New Mexico, not the other State plaintiffs. See No. 19-cv-872 Judgment (June 28, 2019); cf. Pet. App. 189a. Therefore, among the plaintiff States, only California and New Mexico were properly appellees in the court below in *California*, and only those two States should be treated as respondents in *California* under this Court's Rule 12.6.

We regret the need for this clarification. In an abundance of caution, we have served this letter on counsel to all of the State plaintiffs.

Sincerely,

Jeffrey B. Wall
Acting Solicitor General

cc: See Attached Service List

20-0138

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