

**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

COALITION FOR GREEN CAPITAL

Plaintiff,

v.

CITIBANK, N.A., et al.

Defendants.

Civil Action No. 25-cv-735-TSC

**POWER FORWARD COMMUNITIES,
INC.**

Plaintiff,

v.

CITIBANK, N.A., et al.

Defendants.

Civil Action No. 25-cv-762-TSC

PLAINTIFFS' CONSOLIDATED MOTION FOR PRELIMINARY INJUNCTION

Pursuant to Local Civil Rule 65.1(c) and the Court's minute order dated March 19, 2025, Plaintiffs Climate United Fund, Coalition for Green Capital, and Power Forward Communities, Inc. (collectively, "Plaintiffs"), hereby each move for a preliminary injunction against the

U.S. Environmental Protection Agency (“EPA”); Lee Zeldin, in his official capacity as Administrator of EPA; W.C. McIntosh, in his official capacity as Acting Deputy Administrator of EPA; and Citibank, N.A. (“Citibank”) (collectively, “Defendants”).

Plaintiffs move for a preliminary injunction to enjoin EPA, Administrator Zeldin, and Deputy Administrator McIntosh, and others in active concert or participation therewith, from (1) effectuating EPA’s March 11, 2025 “Notice of Termination” as to each Plaintiff; (2) unlawfully suspending or terminating Plaintiffs’ grant awards, including by issuing a Notice of Exclusive Control, effectuating the 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 in accordance with the applicable Account Control Agreement (“ACA”) with Citibank, the grant awards, and applicable law; or (3) directly or indirectly impeding Citibank or causing 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 under the terms of the applicable ACA, grant award, and applicable law.

Plaintiffs also seek a preliminary injunction enjoining Defendant Citibank from (1) violating its obligations under each Plaintiff’s ACA, including by failing to process, disburse, and release funds in accounts established in connection with each Plaintiff’s grant, including funds in accounts established by Plaintiffs’ subgrantees, in accordance with the applicable ACA, both with respect to requests already submitted and future requests; and (2) transferring or otherwise moving funds out of accounts established in connection with Plaintiffs’ grants, including funds in accounts established by Plaintiffs’ subgrantees, except at the direction of Plaintiffs or Plaintiffs’ subgrantees, as permitted under the applicable ACA.

As set forth in more detail in the accompanying Memorandum of Law, Plaintiffs have a strong likelihood of success on their claims that EPA's actions are arbitrary and capricious, an abuse of discretion, or otherwise not in accordance with law under the Administrative Procedure Act. Plaintiffs also have a strong likelihood of success on their claims that EPA's actions violate the Appropriations and Due Process Clauses of the U.S. Constitution. In addition, Plaintiffs have a strong likelihood of success on their claims against Citibank for breach of contract. A preliminary injunction is appropriate because Plaintiffs face irreparable harm if they do not obtain injunctive relief to enjoin Defendants' unlawful conduct; the injury to Plaintiffs outweighs any harm to Defendants from an injunction; and the public interest is best served by requiring Defendants to stop preventing access to funds in accounts established in connection with Plaintiffs' grants.

Dated: March 21, 2025

Respectfully submitted:

/s/ Vincent Levy

/s/ Adam G. Unikowsky

Vincent Levy (NY 0487)
 Kevin D. Benish (NY 0495)
 Patrick J. Woods*
 Daniel Fahrenthold (NY0603)
 HOWELL SHUSTER & GOLDBERG LLP
 425 Lexington Avenue, 14th Floor
 New York, NY 10017
 Tel.: (646) 837-5151
 vlevy@hsgllp.com
 *Application for admission pending.

Adam G. Unikowsky (989053)
 Kathryn L. Wynbrandt* (1602446)
 David B. Robbins (493976)
 Tanner J. Lockhead* (90011928)
 JENNER & BLOCK LLP
 1099 New York Avenue, Suite 900
 Washington, D.C. 20001
 Tel.: (202) 639-6000
 Fax: (202) 639-6066
 aunikowsky@jenner.com
 *Application for admission pending.

Attorneys for Plaintiff Coalition for Green Capital

/s/ Beth C. Neitzel

Beth C. Neitzel (103611)
 Jack C. Smith (1725229)
 Kevin Y. Chen (admitted *pro hac vice*)
 FOLEY HOAG LLP
 155 Seaport Boulevard, Suite 1600
 Boston, MA 02210

Gabriel K. Gillett (admitted *pro hac vice*)
 Simon A. de Carvalho (*pro hac vice*
 forthcoming)
 JENNER & BLOCK LLP
 353 N. Clark Street
 Chicago, IL 60654
 Tel.: (312) 222-9350
 ggillett@jenner.com
 sdecarvalho@jenner.com

Tel. (617) 832-1000
bneitzel@foleyhoag.com
jcsmith@foleyhoag.com
kchen@foleyhoag.com

Noah C. Shaw (*pro hac vice* forthcoming)
James M. Gross (admitted *pro hac vice*)
FOLEY HOAG LLP
1301 Ave. of the Americas, 25th Floor
New York, NY 10019
Tel.: (212) 812-0400
ncshaw@foleyhoag.com
jgross@foleyhoag.com

*Attorneys for Plaintiff Power Forward
Communities*

Allison N. Douglass (admitted *pro hac vice*)
JENNER & BLOCK LLP
1155 Avenue of the Americas
New York, NY 10036
Tel.: (212) 891-1600
Fax: (212) 891-1699
adouglass@jenner.com

Attorneys for Plaintiff Climate United Fund

CERTIFICATE OF SERVICE

I hereby certify that on March 21, 2025, I filed the foregoing document with the Clerk of Court for the United States District Court for the District of Columbia using the court's CM/ECF filing system.

/s/ Adam G. Unikowsky
Adam G. Unikowsky
JENNER & BLOCK LLP
1099 New York Avenue
Washington, D.C. 20001
Tel.: (202) 639-6000
Fax: (202) 639-6066
aunikowsky@jenner.com