

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

**JUSTICE CLIMATE FUND,**

Plaintiffs,

v.

**UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY, *et al.*,**

Defendants.

Civ. Action No. 1:25-cv-00938 (TSC)

**JOINT MOTION TO CONSOLIDATE**

Pursuant to Federal Rule of Civil Procedure 42(a)(2), the parties move to consolidate this case with the Greenhouse Gas Reduction Fund (GGRF) cases already consolidated under Civ. Action No. 1:25-cv-00698 (TSC). The GGRF cases contain common questions of law and fact. The U.S. Environmental Protection Agency (EPA) issued the GGRF grants under 42 U.S.C. § 7434 at similar times utilizing similar grant agreements with common terms. The GGRF grants use a designated financial agent (Citibank) to hold the GGRF grant funds and administer program distributions. And EPA sent termination notices regarding the GGRF grants agreements at similar times upon similar bases.

Justic Climate Fund (JCF) filed suit against the same defendants as those in the consolidated action, alleging similar claims under the Administrative Procedure Act (APA), and the Appropriations and Due Process clauses of the U.S. Constitution. JCF's claims implicate common factual and legal questions now before the Court in the consolidated case, including whether termination complied with statutes and regulations,

and whether the Court has jurisdiction to address plaintiffs' claims. Therefore, consolidation is warranted.

The plaintiffs in the consolidated action moved for preliminary injunctions, as does JCF. Because JCF's motion has common questions of law and fact and seeks common relief as the motions for preliminary injunction in the consolidated action, the parties agree to stay briefing on JCF's motion for preliminary injunction pending the Court's ruling in the consolidated case. The parties further agree that if the Court consolidates this case with No. 1:25-cv-00698, the Court's decision on the pending motions for preliminary injunction will apply to this case as it does to the previously-consolidated cases.<sup>1</sup>

The parties to this case (JCF, the federal defendants, and Citibank) may submit a Joint Status Report to the Court within seven days of any decision by the Court on the motions for preliminary injunction in No. 1:25-cv-00698 setting forth whether there are any additional issues specific to JCF that one or more of the parties assert the Court should address.

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<sup>1</sup> If the Court issues a preliminary injunction in No. 1:25-cv-00698 that dissolves the temporary restraining order entered in that case before consolidation of this case with No. 1:25-cv-00698, defendants agree that they will continue not to take any steps to move JCF's grant funds out of Citibank or exercise control over JCF's Citibank account. That agreement will end upon the earlier of (1) consolidation (at which time the Court's decision in No. 1:25-cv-00698 will be applicable to JCF), (2) any separate decision on JCF's motion for preliminary injunction, or (3) seven days following e-mail notice by the federal defendants ending this agreement.

For these reasons, the parties respectfully move the Court to consolidate this case with the already consolidated lawsuit under 1:25-cv-00698, as indicated in the attached proposed order.

Dated: April 10, 2025

Respectfully submitted,

YAAKOV ROTH  
Acting Assistant Attorney General

KIRK T. MANHARDT  
Director

/s/ Marc S. Sacks  
MARC S. SACKS (Ga. Bar No. 621931)  
*Deputy Director*  
KEVIN P. VANLANDINGHAM (NY Reg  
No. 4741799)  
*Assistant Director*  
U.S. Department of Justice  
Civil Division  
Corporate/Financial Section  
P.O. Box 875  
Ben Franklin Stations  
Washington D.C. 20044-0875  
Tel: (202) 307-1104  
Email: [marcus.s.sacks@usdoj.gov](mailto:marcus.s.sacks@usdoj.gov)

*Attorneys for the United States  
Environmental Protection Agency*

/s/ Eric F. Citron  
Eric F. Citron (D.D.C. Bar ID 1001069)  
Kathleen Foley\*  
Zimmer, Citron & Clarke LLP  
1629 K Street NW  
Suite 300  
Washington, DC 20006  
Tel.: (202) 796-4540  
[ecitron@zimmercitronclarke.com](mailto:ecitron@zimmercitronclarke.com)  
[kfoley@zimmercitronclarke.com](mailto:kfoley@zimmercitronclarke.com)

David J. Zimmer  
Zimmer, Citron & Clarke LLP  
130 Bishop Allen Drive  
Cambridge, MA 02139  
Tel.: (617) 676-9421  
dzimmer@zimmercitronclarke.com

\* *Pro hac vice* application forthcoming.

Attorneys for Plaintiff Justice Climate Fund

/s/ K. Winn Allen  
K. Winn Allen, P.C.  
Saunders McElroy \  
KIRKLAND & ELLIS LLP  
1301 Pennsylvania Ave., N.W.  
Washington, D.C. 20004  
Tel: (202) 389-5078  
winn.allen@kirkland.com  
saunders.mcelroy@kirkland.com

*Counsel for Defendant Citibank, N.A.*