

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK
ALBANY DIVISION**

STATE OF WEST VIRGINIA, STATE OF ALABAMA, STATE OF ARKANSAS, STATE OF GEORGIA, STATE OF IDAHO, STATE OF IOWA, STATE OF KANSAS, COMMONWEALTH OF KENTUCKY, STATE OF LOUISIANA, STATE OF MISSISSIPPI, STATE OF MISSOURI, STATE OF MONTANA, STATE OF NEBRASKA, STATE OF NORTH DAKOTA, STATE OF OHIO, STATE OF OKLAHOMA, STATE OF SOUTH CAROLINA, STATE OF SOUTH DAKOTA, STATE OF TENNESSEE, STATE OF TEXAS, STATE OF UTAH, STATE OF WYOMING, WEST VIRGINIA COAL ASSOCIATION, GAS AND OIL ASSOCIATION OF WEST VIRGINIA, INC., AMERICA'S COAL ASSOCIATIONS, and ALPHA METALLURGICAL RESOURCES, INC.,

Plaintiffs,

v.

LETITIA JAMES, in her official capacity as the Attorney General of New York, **AMANDA LEFTON**, in her official capacity as Acting Commissioner of the New York State Department of Environmental Conservation, and **AMANDA HILLER**, in her official capacity as the Acting Tax Commissioner of the New York State Department of Taxation and Finance,

Defendants.

No. 1:25-CV-00168 (BKS/DJS)

**ANSWER TO AMENDED
COMPLAINT**

Defendants Letitia James, in her official capacity as the Attorney General of New York, Amanda Lefton, in her official capacity as Acting Commissioner of the New York State Department of Environmental Conservation (“DEC”), and Amanda Hiller, in her official capacity as the Acting Tax Commissioner of the New York State Department of Taxation and Finance (collectively “Defendants”), by and through their attorney the New York State Office of the Attorney General, for their answer to the Amended Complaint, filed April 7, 2025, allege and state as follows:

1. Deny the allegations in the first sentence of Paragraph 1. The remaining allegations are Plaintiffs’ characterizations of the Climate Change Superfund Act (the “Act”). Defendants respectfully refer the Court to the Act as the best evidence and most complete statement of its contents, meaning and effect, and deny the remaining allegations to the extent they are incomplete or inconsistent with the Act.

2. Deny the allegations in the first sentence of Paragraph 2. Regarding the allegations in the second and third sentences, respectfully refer the Court to the Act as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent with the Act. Deny knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph.

3. As to the allegations in Paragraph 3, respectfully refer the Court to the Act as the best evidence and most complete statement of its contents,

meaning and effect, deny the allegations to the extent they are incomplete or inconsistent with the Act, and deny knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph.

4. Paragraph 4 states legal conclusions to which no response is required. To the extent a response is required, respectfully refer the Court to U.S. CONST. Art. I, § 8, cl. 3 as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

5. Paragraph 5 states legal conclusions to which no response is required. To the extent a response is required, respectfully refer the Court to the Clean Air Act as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

6. Deny the allegations in the last sentence of Paragraph 6. The remaining allegations in this paragraph state legal conclusions to which no response is required. To the extent a response is required, respectfully refer the Court to the cited caselaw as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

7. Paragraph 7 states legal conclusions to which no response is required. To the extent a response is required, respectfully refer the Court to the cited caselaw and the Act as the best evidence and most complete statement

of their contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

8. Paragraph 8 states legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

9. Paragraph 9 states legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

10. Paragraph 10 states legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

11. Paragraph 11 states legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

12. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in the fifth and sixth sentences of Paragraph 12. The remaining allegations in Paragraph 12 state legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

13. Paragraph 13 states legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

14. Paragraph 14 states legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

15. Paragraph 15 states legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

16. Paragraph 16 states legal conclusions to which no response is

required. To the extent a response is required, the allegations are denied.

17. Paragraph 17 is a statement of the relief sought by Plaintiffs to which no response is required. To the extent a response is required, the allegations are denied.

PARTIES

Plaintiffs

18. As to the allegations in Paragraph 18, admit Plaintiff State of West Virginia is a sovereign State of the United States of America, admit that John B. McCuskey is the Attorney General of West Virginia, and deny knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph.

19. As to the allegations in Paragraph 19, admit Plaintiff State of Alabama is a sovereign State of the United States of America, admit that Steve Marshall is the Attorney General of Alabama, and deny knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph.

20. As to the allegations in Paragraph 20, admit Plaintiff State of Arkansas is a sovereign State of the United States of America, admit that Tim Griffin is the Attorney General of Arkansas, and deny knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph.

21. As to the allegations in Paragraph 21, admit Plaintiff State of

Georgia is a sovereign State of the United States of America, admit that Christopher M. Carr is the Attorney General of Georgia, and deny knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph.

22. As to the allegations in Paragraph 22, admit Plaintiff State of Idaho is a sovereign State of the United States of America, admit that Raul R. Labrador is the Attorney General of Idaho, and deny knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph.

23. As to the allegations in Paragraph 23, admit Plaintiff State of Iowa is a sovereign State of the United States of America, admit that Brenna Bird is the Attorney General of Iowa, and deny knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph.

24. As to the allegations in Paragraph 24, admit Plaintiff State of Kansas is a sovereign State of the United States of America, admit that Kris W. Kobach is the Attorney General of Kansas, and deny knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph.

25. As to the allegations in Paragraph 25, admit Plaintiff State of Kentucky is a sovereign State of the United States of America, admit that Russell M. Coleman is the Attorney General of Kentucky, and deny knowledge or information sufficient to form a belief as to the truth of the remaining

allegations in this paragraph.

26. As to the allegations in Paragraph 26, admit Plaintiff State of Louisiana is a sovereign State of the United States of America, admit that Elizabeth B. Murrill is the Attorney General of Louisiana, and deny knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph.

27. As to the allegations in Paragraph 27, admit Plaintiff State of Mississippi is a sovereign State of the United States of America, admit that Lynn Fitch is the Attorney General of Mississippi, and deny knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph.

28. As to the allegations in Paragraph 28, admit Plaintiff State of Missouri is a sovereign State of the United States of America, admit that Andrew Bailey is the Attorney General of Missouri, and deny knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph.

29. As to the allegations in Paragraph 29, admit Plaintiff State of Montana is a sovereign State of the United States of America, admit that Austin Knudsen is the Attorney General of Montana, and deny knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph.

30. As to the allegations in Paragraph 30, admit Plaintiff State of

Nebraska is a sovereign State of the United States of America, admit that Michael T. Hilgers is the Attorney General of Nebraska, and deny knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph.

31. As to the allegations in Paragraph 31, admit Plaintiff State of North Dakota is a sovereign State of the United States of America, admit that Drew Wrigley is the Attorney General of North Dakota, and deny knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph.

32. As to the allegations in Paragraph 32, admit Plaintiff State of Ohio is a sovereign State of the United States of America, admit that Dave Yost is the Attorney General of Ohio, and deny knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph.

33. As to the allegations in Paragraph 33, admit Plaintiff State of Oklahoma is a sovereign State of the United States of America, admit that Gentner Drummond is the Attorney General of Oklahoma, and deny knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph.

34. As to the allegations in Paragraph 34, admit Plaintiff State of South Carolina is a sovereign State of the United States of America, admit that Alan Wilson is the Attorney General of South Carolina, and deny knowledge or information sufficient to form a belief as to the truth of the remaining

allegations in this paragraph.

35. As to the allegations in Paragraph 35, admit Plaintiff State of South Dakota is a sovereign State of the United States of America, admit that Marty Jackley is the Attorney General of South Dakota, and deny knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph.

36. As to the allegations in Paragraph 36, admit Plaintiff State of Tennessee is a sovereign State of the United States of America, admit that Jonathan Skrmetti is the Attorney General and Reporter of Tennessee, and deny knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph.

37. As to the allegations in Paragraph 37, admit Plaintiff State of Texas is a sovereign State of the United States of America, admit that Ken Paxton is the Attorney General of Texas, and deny knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph.

38. As to the allegations in Paragraph 38, admit Plaintiff State of Utah is a sovereign State of the United States of America, admit that Derek E. Brown is the Attorney General of Utah, and deny knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph.

39. As to the allegations in Paragraph 39, admit Plaintiff State of Wyoming is a sovereign State of the United States of America, admit that

Bridget Hill is the Attorney General of Wyoming, and deny knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph.

40. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 40.

41. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 41.

42. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 42.

43. As to the allegations in Paragraph 43, deny that the Act is “unlawful” and deny knowledge or information sufficient to form a belief as to the truth of the remaining allegations.

44. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 44.

Defendants

45. Admit that Letitia James is the Attorney General of the State of New York. The remaining allegations in Paragraph 45 state legal conclusions to which no response is required. To the extent a response is required, respectfully refer the Court to the Act as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent with the Act.

46. Admit that Amanda Lefton is the Acting Commissioner of the New

York State Department of Environmental Conservation. The remaining allegations in Paragraph 46 state legal conclusions to which no response is required. To the extent a response is required, respectfully refer the Court to the Act as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent with the Act.

47. Admit that Amanda Hiller is the Acting Tax Commissioner of the New York State Department of Taxation and Finance. The remaining allegations in Paragraph 47 state legal conclusions for which no response is required. To the extent a response is required, respectfully refer the Court to the Act as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent with the Act.

JURISDICTION AND VENUE

48. Paragraph 48 states legal conclusions to which no response is required. To the extent a response is required, respectfully refer the Court to the cited statutes as the best evidence and most complete statement of their contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

49. Paragraph 49 states legal conclusions to which no response is required. To the extent a response is required, respectfully refer the Court to the cited statutes and caselaw as the best evidence and most complete

statement of their contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

50. Admit that Defendants maintain offices and conduct business in the Northern District of New York. The remaining allegations in Paragraph 50 state legal conclusions to which no response is required. To the extent a response is required, respectfully refer the Court to the cited statutes and caselaw as the best evidence and most complete statement of their contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

51. Paragraph 51 states legal conclusions to which no response is required. To the extent a response is required, respectfully refer the Court to the cited statutes as the best evidence and most complete statement of their contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

STANDING

52. Paragraph 52 states legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

53. Paragraph 53 states legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

54. Paragraph 54 states legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

55. Paragraph 55 states legal conclusions to which no response is

required. To the extent a response is required, the allegations are denied.

56. Paragraph 56 states legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

57. Paragraph 57 states legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

58. Paragraph 58 states legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

59. Paragraph 59 states legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

60. Paragraph 60 states legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

61. Paragraph 61 states legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

62. The first and last sentences of Paragraph 62 state legal conclusions to which no response is required. To the extent a response is required, the allegations are denied. Deny knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph.

63. As to the allegations in Paragraph 63, deny knowledge or information sufficient to form a belief as to the truth of the allegations in the first sentence and deny the remainder of the allegations.

64. As to the allegations in Paragraph 64, deny knowledge or information sufficient to form a belief as to the truth of the allegations in the

first sentence and deny the remainder of the allegations.

65. Paragraph 65 states a legal conclusion to which no response is required. To the extent a response is required, the allegations are denied.

66. The first and last sentences of Paragraph 66 state legal conclusions to which no response is required. To the extent a response is required, the allegations are denied. Deny knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 66.

67. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 67.

68. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 68.

69. The first and last sentences of Paragraph 69 state legal conclusions to which no response is required. To the extent a response is required, the allegations are denied. Deny knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 69.

70. The first sentence of Paragraph 70 states a legal conclusion to which no response is required. To the extent a response is required, the allegations are denied. Deny knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 70.

71. The first sentence of Paragraph 71 states a legal conclusion to which no response is required. To the extent a response is required, the allegations are denied. Deny knowledge or information sufficient to form a belief

as to the truth of the remaining allegations in Paragraph 71.

72. Deny the allegations in the first and last sentences of Paragraph 72. Deny knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 72.

73. The first sentence of Paragraph 73 states legal conclusions to which no response is required. To the extent a response is required, the allegations are denied. Deny knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 73.

74. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 74.

75. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 75.

76. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 76.

77. The first and last sentences of Paragraph 77 state legal conclusions to which no response is required. To the extent a response is required, the allegations are denied. Deny knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 77.

78. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in the first sentence of Paragraph 78. Deny the remaining allegations contained in this paragraph.

79. Paragraph 79 states legal conclusions to which no response is

required. To the extent a response is required, the allegations are denied.

80. Paragraph 80 states legal conclusions and Plaintiffs' claims for relief, to which no response is required. To the extent a response is required, the allegations are denied.

81. The first and last sentences of Paragraph 81 state legal conclusions to which no response is required. To the extent a response is required, the allegations are denied. The remaining allegations in Paragraph 81 are Plaintiffs' characterization of the Act to which no response is required. To the extent a response is required, respectfully refer the Court to the Act as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

82. The first sentence of Paragraph 82 states a legal conclusion to which no response is required. To the extent a response is required, the allegations are denied. Deny knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in this paragraph.

83. Deny knowledge and information sufficient to form a belief as to the truth of the allegations in sentences two and three of Paragraph 83. The remainder of Paragraph 83 states legal conclusions and Plaintiffs' claims for relief to which no response is required. To the extent a response is required, the allegations are denied.

FACTUAL ALLEGATIONS

84. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 84.

85. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 85.

86. As to the allegations in Paragraph 86, respectfully refer the Court to the cited statutes as the best evidence and most complete statement of their contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith. Deny knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph.

87. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 87.

88. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 88.

89. As to the allegations in Paragraph 89, respectfully refer the Court to the cited caselaw as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith. Deny knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in this paragraph.

90. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 90.

91. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 91.

92. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 92.

93. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 93.

94. Paragraph 94 states legal conclusions and Plaintiffs' characterization of the Clean Air Act and caselaw to which no response is required. To the extent a response is required, respectfully refer the Court to the Clean Air Act and cited caselaw as the best evidence and most complete statement of their contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

95. Paragraph 95 states legal conclusions and Plaintiffs' characterization of the Clean Air Act and caselaw to which no response is required. To the extent a response is required, respectfully refer the Court to the Clean Air Act and cited caselaw as the best evidence and most complete statement of their contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

96. As to Paragraph 96, deny the allegations in the first sentence, and deny knowledge or information sufficient to form a belief as to the truth of the allegations in the second sentence. The remaining allegations in this paragraph consist of quotations, citations to, and Plaintiffs' characterization of statements

by N.Y. Assemblyman Jeffrey Dinowitz. As to these remaining allegations, respectfully refer the Court to the cited transcript as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

97. As to the allegations in Paragraph 97, deny Plaintiffs' characterization of the cost recovery demands as "fines," respectfully refer the Court to the Act as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

98. As to the allegations in Paragraph 98, respectfully refer the Court to the Act as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

99. As to the allegations in Paragraph 99, respectfully refer the Court to the Act as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

100. As to the allegations in Paragraph 100, respectfully refer the Court to the Act as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

101. As to the allegations in Paragraph 101, respectfully refer the Court

to the Act as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

102. As to the allegations in Paragraph 102, deny Plaintiffs' characterization of the cost recovery demands as "fines," and respectfully refer the Court to the Act as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

103. As to the allegations in Paragraph 103, deny Plaintiffs' characterization of the cost recovery demand as a "penalty," and deny that the Act imposes "severe" and "arbitrary penalties." Deny knowledge or information sufficient to form a belief as to the truth of the allegations in the fourth and fifth sentences of this paragraph. The remaining allegations consist of quotations, citations to, and Plaintiffs' characterization of the Act and a memorandum issued by the bill sponsor, and as to these allegations, respectfully refer the Court to the Act and referenced press release as the best evidence and most complete statement of their contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

104. As to the allegations in Paragraph 104, deny Plaintiffs' characterization of the cost recovery demands as "punishment." Respectfully refer the Court to the Act as the best evidence and most complete statement of its contents, meaning and effect, and deny the remaining allegations to the

extent they are incomplete or inconsistent therewith.

105. As to the allegations in Paragraph 105, respectfully refer the Court to the Act as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

106. As to the allegations in Paragraph 106, respectfully refer the Court to the Act, the legislative findings, and the cited transcript as the best evidence and most complete statement of their contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

107. As to the allegations in Paragraph 107, deny the allegations in the first sentence. The remaining allegations in this paragraph are Plaintiffs' characterization of a report issued by the Vermont Agency of Natural Resources and a response to a request for information. As to these remaining allegations, respectfully refer the Court to the referenced report and response to request for information as the best evidence and most complete statement of their contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

108. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in the last sentence of Paragraph 108. As to the remaining allegations in this paragraph, respectfully refer the Court to the Act as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent

therewith.

109. As to the allegations in Paragraph 109, respectfully refer the Court to the Act as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

110. As to the allegations in Paragraph 110, respectfully refer the Court to the Act as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

111. As to the allegations in Paragraph 111, respectfully refer the Court to the Act as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

112. As to the allegations in Paragraph 112, respectfully refer the Court to the Act as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

113. As to the allegations in Paragraph 113, respectfully refer the Court to the Act as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

114. As to the allegations in Paragraph 114, respectfully refer the Court

to the Act as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

115. Deny knowledge or information sufficient to form a belief as to the allegations in the first sentence of Paragraph 115. As to the remaining allegations, respectfully refer the Court to the referenced press release as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

CLAIMS FOR RELIEF

COUNT I

116. Defendants repeat and reallege each and every response made to paragraphs 1 through 115 with the same force and effect as if set forth in this paragraph.

117. As to the allegations in Paragraph 117, respectfully refer the Court to the Supremacy Clause and cited caselaw as the best evidence and most complete statement of their contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

118. As to the allegations in Paragraph 118, respectfully refer the Court to the U.S. Constitution and cited caselaw as the best evidence and most complete statement of their contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith. Further,

the allegations in this paragraph state legal argument, to which no response is required. To the extent a response is required, the allegations are denied.

119. As to the allegations set in Paragraph 119, respectfully refer the Court to the cited caselaw as the best evidence and most complete statement of their contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith. Further, the allegations in this paragraph state legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

120. The allegations in Paragraph 120 state legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

121. The allegations in Paragraph 121 state legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

122. The allegations in Paragraph 122 state legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

123. As to the allegations in Paragraph 123, respectfully refer the Court to cited caselaw as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

124. The allegations in Paragraph 124 state legal conclusions to which

no response is required. To the extent a response is required, the allegations are denied.

125. The allegations in Paragraph 125 state legal argument to which no response is required. To the extent a response is required, the allegations are denied.

126. The allegations in Paragraph 126 state legal argument to which no response is required. To the extent a response is required, the allegations are denied.

127. The allegations in Paragraph 127 state legal argument to which no response is required. To the extent a response is required, the allegations are denied.

128. The allegations in Paragraph 128 state legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

129. As to the allegations in Paragraph 129, respectfully refer the Court to cited caselaw as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith. Further, the allegations in this paragraph state legal conclusions to which no response is required. To the extent a response is required, deny the allegations in this paragraph.

130. As to the allegations in Paragraph 130, deny that the Act is an “intrusion” into foreign affairs and “has an ill-defined ‘contacts’ requirement.”

Deny knowledge or information sufficient to form a belief as to the allegations in the third, fourth and fifth sentences in this paragraph. As to the remaining allegations in this paragraph, respectfully refer the Court to the Act as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

131. The allegations in Paragraph 131 state legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

132. The allegations in Paragraph 132 state legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

133. The allegations in Paragraph 133 state legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

134. As to the allegations in Paragraph 134, deny Plaintiffs' characterization of the cost recovery demands as "retroactive penalties." Deny knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph.

135. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 135.

136. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in the first sentence of Paragraph 136. The remaining

allegations in this paragraph state legal argument and legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

137. As to the allegations in Paragraph 137, deny Plaintiffs' characterization of the Act is a form of "punish[ment]," and deny knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph.

138. As to the allegations in Paragraph 138, respectfully refer the Court to the Act as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

139. The allegations in Paragraph 139 state legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

140. Paragraph 140 states legal conclusions and Plaintiffs' statement of their requested relief to which no response is required. To the extent a response is required, the allegations are denied.

COUNT II

141. Defendants repeat and reallege each and every response made to paragraphs 1 through 140 with the same force and effect as if set forth in this paragraph.

142. As to the allegations in Paragraph 142, respectfully refer the Court

to the Supremacy Clause as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

143. As to the allegations in Paragraph 143, respectfully refer the Court to the cited caselaw as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith. Further, the allegations in this paragraph state legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

144. As to the allegations in Paragraph 144, respectfully refer the Court to the Clean Air Act and cited caselaw as the best evidence and most complete statement of their contents, meaning and effect. Further, the allegations in this paragraph state legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

145. As to the allegations in Paragraph 145, respectfully refer the Court to the Clean Air Act and cited caselaw as the best evidence and most complete statement of their contents, meaning and effect. Further, the allegations in this paragraph state legal argument and conclusions to which no response is required. To the extent a response is required, the allegations are denied.

146. The allegations in Paragraph 146 state legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

147. The allegations in Paragraph 147 state legal argument and legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

148. The allegations in Paragraph 148 state legal argument and legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

149. The allegations in Paragraph 149 contain legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

150. Paragraph 150 states legal conclusions and Plaintiffs' statement of their requested relief to which no response is required. To the extent a response is required, the allegations are denied.

COUNT III

151. Defendants repeat and reallege each and every response made to paragraphs 1 through 150 with the same force and effect as if set forth in this paragraph.

152. As to the allegations in Paragraph 152, respectfully refer the Court to the Commerce Clause and cited caselaw as the best evidence and most complete statement of their contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith. Further, the allegations in this paragraph state legal argument to which no response is required. To the extent a response is required, the allegations are denied.

153. Paragraph 153 states legal argument and legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

154. The allegations in the first and second sentences of Paragraph 154 state legal conclusions to which no response is required. To the extent a response is required, the allegations are denied. Deny knowledge or information sufficient to form a belief as to the allegations in the third, fourth, fifth, and sixth sentences of Paragraph 154. As to the allegations in the last sentence of Paragraph 154, respectfully refer the Court to the referenced transcript as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

155. The allegations in the first sentence of Paragraph 155 state legal argument and legal conclusions to which no response is required. To the extent a response is required, the allegations are denied. As to the remaining allegations in Paragraph 155, respectfully refer the Court to the Act, cited statute and press release as the best evidence and most complete statement of their contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

156. As to the allegations in Paragraph 156, respectfully refer the Court to the Act as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations to the extent they are incomplete

or inconsistent therewith. Further, the allegations in this paragraph contain legal argument and legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

157. Paragraph 157 states legal argument and legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

158. Paragraph 158 states legal argument and legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

159. As to the allegations in Paragraph 159, respectfully refer the Court to the Commerce Clause and cited caselaw as the best evidence and most complete statement of their contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith. Further, the allegations in this paragraph state legal argument to which no response is required. To the extent a response is required, the allegations are denied.

160. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in the second and third sentences of Paragraph 160. Further, the allegations in Paragraph 160 state legal conclusions and legal argument to which no response is required. To the extent a response is required, the allegations are denied.

161. As to the allegations in the second sentence of Paragraph 161, respectfully refer the Court to the cited U.S. Department of Treasury Press

Release as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith. The remaining allegations in this paragraph state legal argument and legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

162. Deny knowledge or information sufficient to form a belief as to the second sentence in Paragraph 162. The remaining allegations in Paragraph 162 state legal argument and legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

163. Paragraph 163 states legal argument and legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

164. Paragraph 164 states legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

165. Paragraph 165 states legal conclusions and Plaintiffs' statement of their requested relief to which no response is required. To the extent a response is required, the allegations are denied.

COUNT IV

166. Defendants repeat and reallege each and every response made to paragraphs 1 through 165 with the same force and effect as if set forth in this paragraph.

167. As to the allegations in Paragraph 167, respectfully refer the Court

to the Due Process Clause of the Fourteenth Amendment as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

168. As to the allegations in Paragraph 168, respectfully refer the Court to the Due Process Clause of the Fourteenth Amendment and the cited caselaw as the best evidence and most complete statement of their contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

169. As to the allegations in Paragraph 169, respectfully refer the Court to the Due Process Clause and the cited caselaw as the best evidence and most complete statement of their contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith. Further, the allegations in this paragraph state legal argument to which no response is required. To the extent a response is required, the allegations are denied.

170. Paragraph 170 states legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

171. Paragraph 171 states legal argument and legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

172. Paragraph 172 states legal argument and legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

173. As to the allegations in the second sentence of Paragraph 173, respectfully refer the Court to the cited Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith. The remaining allegations in Paragraph 173 state legal argument and legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

174. As to the allegations in Paragraph 174, respectfully refer the Court to the Act as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith. Further, the allegations in Paragraph 174 state legal argument and legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

175. Paragraph 175 states legal argument and legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

176. Paragraph 176 states legal argument and legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

177. Paragraph 177 states legal argument and legal conclusions to which no response is required. To the extent a response is required, the

allegations are denied.

178. Paragraph 178 states legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

179. Paragraph 179 states legal conclusions and Plaintiffs' statement of their requested relief to which no response is required. To the extent a response is required, the allegations are denied.

CLAIM V

180. Defendants repeat and reallege each and every response made to paragraphs 1 through 179 with the same force and effect as if set forth in this paragraph.

181. As to the allegations in Paragraph 181, respectfully refer the Court to the Due Process Clause of the New York State Constitution and cited caselaw as the best evidence and most complete statement of their contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

182. As to the allegations in Paragraph 182, respectfully refer the Court to the Due Process Clause of the New York State Constitution and cited caselaw as the best evidence and most complete statement of their contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

183. Paragraph 183 states legal argument and legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

184. Paragraph 184 states legal argument and legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

185. Paragraph 185 states legal argument and legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

186. Paragraph 186 states legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

187. Paragraph 187 states legal conclusions and Plaintiffs' statement of their requested relief, to which no response is required. To the extent a response is required, the allegations are denied.

CLAIM VI

188. Defendants repeat and reallege each and every response made to paragraphs 1 through 187 with the same force and effect as if set forth in this paragraph.

189. As to the allegations in Paragraph 189, respectfully refer the Court to the Equal Protection Clause of the Fourteenth Amendment as the best evidence and most complete statement of their contents, meaning and effect,

and deny the allegations to the extent they are incomplete or inconsistent therewith.

190. As to the allegations in Paragraph 190, respectfully refer the Court to the Equal Protection Clause of the Fourteenth Amendment and the cited caselaw as the best evidence and most complete statement of their contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

191. Paragraph 191 states legal argument to which no response is required. To the extent a response is required, the allegations are denied.

192. As to the allegations in Paragraph 192, respectfully refer the Court to the referenced transcript as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith. Further, the allegations in this paragraph state legal argument and legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

193. Paragraph 193 states legal conclusions and Plaintiffs' statement of their requested relief to which no response is required. To the extent a response is required, the allegations are denied.

COUNT VII

194. Defendants repeat and reallege each and every response made to paragraphs 1 through 193 with the same force and effect as if set forth in this paragraph.

195. Paragraph 195 states legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

196. As to the allegations in Paragraph 196, respectfully refer the Court to the Eighth Amendment and cited caselaw as the best evidence and most complete statement of their contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

197. As to the allegations in Paragraph 197, respectfully refer the Court to the Eighth Amendment and cited caselaw as the best evidence and most complete statement of their contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

198. As to the allegations in Paragraph 198, respectfully refer the Court to the Eighth Amendment and cited caselaw as the best evidence and most complete statement of their contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

199. Paragraph 199 states legal argument and legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

200. Paragraph 200 states legal argument and legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

201. Paragraph 201 states legal argument and legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

202. Paragraph 202 states legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

203. Paragraph 203 states legal conclusions and Plaintiffs' statement of their requested relief to which no response is required. To the extent a response is required, the allegations are denied.

COUNT VIII

204. Defendants repeat and reallege each and every response made to paragraphs 1 through 203 with the same force and effect as if set forth in this paragraph.

205. Paragraph 205 states legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

206. As to the allegations in Paragraph 206, respectfully refer the Court to the Takings Clause of the Fifth Amendment and cited caselaw as the best evidence and most complete statement of their contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

207. As to the allegations in Paragraph 207, respectfully refer the Court to the Takings Clause of the Fifth Amendment and cited caselaw as the best evidence and most complete statement of their contents, meaning and effect,

and deny the allegations to the extent they are incomplete or inconsistent therewith.

208. As to the allegations in Paragraph 208, respectfully refer the Court to the Takings Clause of the Fifth Amendment and cited caselaw as the best evidence and most complete statement of their contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

209. Paragraph 209 states legal argument and legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

210. Paragraph 210 states legal argument and legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

211. Paragraph 211 states legal argument and legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

212. Paragraph 212 states legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

213. Paragraph 213 states legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

214. Paragraph 214 states legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

215. Paragraph 215 states legal conclusions and Plaintiffs' statement of their requested relief to which no response is required. To the extent a response is required, the allegations are denied.

CLAIM IX

216. Defendants repeat and reallege each and every response made to paragraphs 1 through 215 with the same force and effect as if set forth in this paragraph.

217. As to the allegations in Paragraph 217, respectfully refer the Court to the N.Y. CONST. Art. I, § 7 as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

218. As to the allegations in Paragraph 218, respectfully refer the Court to the cited caselaw as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

219. As to the allegations in Paragraph 219, respectfully refer the Court to the cited caselaw as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

220. Paragraph 220 states legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

221. Paragraph 221 states legal conclusions and Plaintiffs' statement of

their requested relief to which no response is required. To the extent a response is required, the allegations are denied.

COUNT X

222. Defendants repeat and reallege each and every response made to paragraphs 1 through 221 with the same force and effect as if set forth in this paragraph.

223. As to the allegations in Paragraph 223, respectfully refer the Court to the cited caselaw as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

224. As to the allegations in Paragraph 224, respectfully refer the Court to the cited caselaw as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

225. Paragraph 225 states legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

226. Paragraph 226 states legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

227. Paragraph 227 states legal argument and legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

228. As to the allegations in Paragraph 228, respectfully refer the Court

to the cited caselaw as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

229. Paragraph 229 states legal argument, legal conclusions and Plaintiffs' statement of their requested relief to which no response is required. To the extent a response is required, the allegations are denied.

230. Paragraph 230 states legal argument and legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

231. Paragraph 231 states legal argument and legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

232. Paragraph 232 states legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

233. Paragraph 233 states legal conclusions and Plaintiffs' statement of their requested relief to which no response is required. To the extent a response is required, the allegations are denied.

234. Paragraph 234 states legal argument, legal conclusions and Plaintiffs' statement of their relief to which no response is required. To the extent a response is required, the allegations are denied.

235. Paragraph 235 states legal conclusions and Plaintiffs' statement of their requested relief to which no response is required. To the extent a response is required, the allegations are denied.

COUNT XI

236. Defendants repeat and reallege each and every response made to paragraphs 1 through 235 with the same force and effect as if set forth in this paragraph.

237. Paragraph 237 states legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

238. Paragraph 238 states legal conclusions and Plaintiffs' statement of their requested relief to which no response is required. To the extent a response is required, the allegations are denied.

239. As to the allegations in Paragraph 239, respectfully refer the Court to the cited statute as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

240. Paragraph 240 states legal conclusions and Plaintiffs' statement of their requested relief to which no response is required. To the extent a response is required, the allegations are denied.

PRAYER FOR RELIEF

241. The remaining paragraphs of the Amended Complaint consist of requests for relief to which no response is required. To the extent a response is

required, Defendants deny that Plaintiffs are entitled to the relief requested in the Amended Complaint, or to any relief whatsoever.

DEFENDANTS' DEFENSES

Without limiting or waiving any other defenses available to them, Defendants hereby assert the following defenses to the Amended Complaint:

FIRST DEFENSE

Some or all of Plaintiffs' claims are unripe for judicial review.

SECOND DEFENSE

Some or all Plaintiffs lack standing to bring this action.

THIRD DEFENSE

Some or all of Plaintiffs' claims fail to state a claim upon which relief may be granted.

FOURTH DEFENSE

Some or all of Plaintiffs' claims are barred by the Court's lack of subject matter jurisdiction.

FIFTH DEFENSE

The allegations in Plaintiffs' Amended Complaint are unreviewable for lack of final agency action.

SIXTH DEFENSE

The Act is not preempted by federal law.

SEVENTH DEFENSE

The Act is not preempted by the United States Constitution.

EIGHTH DEFENSE

The Act does not violate the United States Constitution.

NINTH DEFENSE

The Act does not violate the New York State Constitution.

TENTH DEFENSE

There is neither factual nor legal support for injunctive or equitable relief.

ELEVENTH DEFENSE

Some or all Plaintiffs' claims are barred against Defendants by the doctrines of estoppel, waiver, and/or laches.

TWELFTH DEFENSE

Some or all of Plaintiffs' claims and requests for relief as against one or more Defendants are barred by the Eleventh Amendment to the U.S. Constitution.

THIRTEENTH DEFENSE

The Court lacks authority to issue some or all of the relief sought against Defendants.

FOURTEENTH DEFENSE

Some or all of Plaintiffs' claims and requests for relief are barred by the comity doctrine.

FIFTEENTH DEFENSE

Defendants reserve the right to amend their answer, pursuant to Fed. R. Civ. P. 15, and to raise additional defenses.

WHEREFORE, Defendants respectfully request judgment against Plaintiffs as follows:

- a. Dismissing and denying the claims in the Amended Complaint against Defendants in their entirety;
- b. and for such other and further relief as this Court deems appropriate.

Dated: May 19, 2025
Albany, New York

Respectfully submitted,

LETITIA JAMES
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By: /s/ Ayah F. Badran

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