

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

CHAMBER OF COMMERCE OF THE UNITED
STATES OF AMERICA and AMERICAN
PETROLEUM INSTITUTE,

Plaintiffs,

and

STATE OF WEST VIRGINIA et al.,

Intervenor-Plaintiffs,

v.

JULIE MOORE et al.

Defendants,

and

NORTHEAST ORGANIC FARMING
ASSOCIATION OF VERMONT and
CONSERVATION LAW FOUNDATION,

Intervenor-Defendants.

Case No. 2:24-cv-01513

UNITED STATES OF AMERICA and UNITED
STATES ENVIRONMENTAL PROTECTION
AGENCY,

Plaintiffs,

v.

STATE OF VERMONT et al.,

Defendants,

and

NORTHEAST ORGANIC FARMING
ASSOCIATION OF VERMONT and
CONSERVATION LAW FOUNDATION,

Intervenor-Defendants.

Case No. 2:25-cv-00463

DEFENDANTS' CROSS-MOTION FOR SUMMARY JUDGMENT
(Oral Argument Requested)

Defendants State of Vermont, Governor Philip Scott, Secretary Julie Moore, and Program Manager Jane Lazorchak cross move, pursuant to Federal Rule of Civil Procedure 56, for summary judgment on the following claims in the above-captioned cases:

- Counts I (federal preclusion) and II (Clean Air Act preemption) of the Complaint filed by Plaintiffs Chamber of Commerce and the American Petroleum Institute in Case No. 2:24-cv-01513 (ECF No. 1).
- Counts I (federal preclusion) and II (Clean Air Act preemption) of the Complaint filed by Intervenor-Plaintiffs West Virginia and 23 other States in Case No. 2:24-cv-1513 (ECF No. 31).
- All counts in the Complaint filed by Plaintiff the United States in Case No. 2:25-cv-463 (ECF No. 1).

In support of their motion, Defendants rely on the accompanying Consolidated Memorandum of Law, their Statement of Undisputed Material Facts in Support of Their Motion for Summary Judgment, and the Declarations of Jane Lazorchak and Sue Minter.

Pursuant to Local Rule 7(a)(6), Defendants request oral argument on this Motion.

DATED November 17, 2025

Respectfully submitted,

STATE OF VERMONT

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**Vermont Bar Attorney-Applicant
Admission before this Court pending*