IN THE UNITED STATES DISTRICT COURT FOR THE

EASTERN DISTRICT OF CALIFORNIA

CENTRAL VALLEY CHRYSLER-JEEP, INC. et al., **Plaintiffs**, **v.** **Catherine E. WITHERSPOON, in her official capacity as Executive Officer of the California Air Resources Board,** **Defendant,** **THE ASSOCIATION OF INTERNATIONAL AUTOMOBILE MANUFACTURERS,** **Plaintiff-Intervenor,** **SIERRA CLUB, NATURAL RESOURCES DEFENSE COUNCIL, ENVIRONMENTAL DEFENSE, BLUE WATER NETWORK, GLOBAL EXCHANGE, AND RAINFOREST ACTION NETWORK,** **Defendant-Intervenors.**	**CV F 04-6663 AWI LJO** **ORDER VACATING HEARING DATE OF OCTOBER 22, 2007, AND CONTINUING HEARING TO NOVEMBER 19, 2007**

Currently before the court is a motion for summary judgment by Plaintiff interveners on the issue of EPCA preemption, an apparent counter-motion for summary adjudication by Defendants and Defendant interveners on the same issue, a separate "Counter Motion for Summary Judgment or Summary Adjudication" by Defendants, and a motion for summary judgment by Defendant interveners on the issue of Foreign Policy preemption. All of these motions for summary judgment or summary adjudication are currently set for hearing and argument to be held on October 22, 2007. The court has received the pleadings of the parties with respect to all the motions. Additionally, the court has received supplemental briefings and counter-briefings on the impact of the Supreme Court's decision in Massachusetts v. E.P.A., 127 S.Ct. 1438 (2007), as well as supplemental briefing and counter-briefing on a decision by the District Court of Vermont in Green Mountain Chrysler Plymoth, et al. v. Crombie, No. 2:05cv302 (D. Ver. Sept. 12, 2007).

The court on October 12, 2007, received Plaintiffs' *ex-parte* application for leave to file a supplemental response to Defendants' counter-motion for summary judgment, and associated filings. On October 15, 2007, the court received Defendants' opposition to the *ex-parte* application.

In order to allow adequate time for the court to consider the recently filed supplemental materials and to resolve Plaintiffs' *ex-parte* application, the court finds it is necessary to continue the hearing date for the motions currently set for hearing on October 22, 2007. The next available date on the court's calendar is November 19, 2007.

Therefore, IT IS HEREBY ORDERED that the previously set hearing date of October 22, 2007, is VACATED and no party shall appear at that time. The parties shall appear for hearing and oral argument on the aforementioned motions on Monday, November 19, 2007, at 1:30 p.m. in courtroom 2.

IT IS SO ORDERED.

Dated: October 16, 2007 **/s/ Anthony W. Ishii**
UNITED STATES DISTRICT JUDGE