

1 CHAD A. READLER  
Acting Assistant Attorney General  
2 JOSHUA E. GARDNER  
Assistant Branch Director  
3 M. ANDREW ZEE (CA Bar No. 272510)  
Attorney  
4 Civil Division, Federal Programs Branch  
U.S. Department of Justice  
5 450 Golden Gate Avenue, Room 7-5395  
San Francisco, CA 94102  
6 Telephone: (415) 436-6646  
Facsimile: (415) 436-6632  
7 E-mail: m.andrew.zee@usdoj.gov

8 *Attorneys for Defendants*

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10 **UNITED STATES DISTRICT COURT**  
**FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
11 **OAKLAND DIVISION**

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13 CALIFORNIANS FOR RENEWABLE  
ENERGY *et al.*,

14  
15 Plaintiffs,

16 v.

17 U.S. ENVIRONMENTAL PROTECTION  
AGENCY; SCOTT PRUITT, Administrator of  
18 the U.S. Environmental Protection Agency, in  
his official capacity,

19  
20 Defendants.

No. 4:15-cv-03292-SBA

**DEFENDANTS' NOTICE OF  
RESOLUTION OF TITLE VI  
COMPLAINT SUBMITTED BY  
ASHURST BAR/SMITH COMMUNITY  
ORGANIZATION**

Hon. Sandra Brown Armstrong

1 Defendants, U.S. Environmental Protection Agency and Scott Pruitt, sued solely in his  
 2 official capacity as Administrator of the U.S. Environmental Protection Agency (collectively  
 3 “EPA”), submit this Notice of Resolution of Title VI Complaint to inform the Court that on April  
 4 28, 2017, EPA’s External Civil Rights and Compliance Office fully and finally resolved the Title  
 5 VI complaint filed by Plaintiff Ashurst Bar/Smith Community Organization regarding certain  
 6 actions taken by the Alabama Department of Environmental Management (“ADEM”). As set  
 7 forth in the resolution letter (attached as Exhibit A), EPA investigated allegations regarding a  
 8 2003 permit modification and found that the record does not establish a prima facie case of  
 9 discrimination. Accordingly, EPA found that there is insufficient evidence to conclude that  
 10 ADEM violated Title VI and EPA’s nondiscrimination regulation in regard to this permit  
 11 modification. This Title VI complaint is now closed. Because the Title VI complaint has been  
 12 resolved, EPA respectfully submits that the claims of Plaintiff Ashurst Bar/Smith Community  
 13 Organization are moot, for the reasons stated in EPA’s prior briefing in support of its Motion to  
 14 Dismiss and, in the Alternative, Motion for Summary Judgment (“EPA Mot.”). *See* EPA Mot.  
 15 10-12, ECF No. 93; Reply in Supp. EPA Mot. 7-15, ECF No. 100.

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Dated: May 1, 2017.

Respectfully submitted,  
 U.S. DEPARTMENT OF JUSTICE  
 CHAD A. READLER  
 Acting Assistant Attorney General  
 JOSHUA E. GARDNER  
 Assistant Branch Director

/s/ Andrew Zee  
 M. ANDREW ZEE (CA Bar No. 272510)  
 Civil Division, Federal Programs Branch

*Attorneys for Defendants*

