

## Court allows California to continue developing cap and trade program pending appeal | 1

This just in: Late today, a California appellate court granted the State's request to stay (in other words, lift), pending appeal, the injunction issued by the lower court in *Ass'n of Irrigated Residents vs. CARB*, the environmental justice community challenge to California's work so far under its Global Warming Solutions Act (AB 32). Absent any further appeal or development, this means that California is permitted to continue work on its cap and trade program while the appellate court hears the full merits of the State's appeal of a lower court's decision that the State violated its environmental assessment law, CEQA, in developing its program for reducing greenhouse gas emissions under AB 32.

California's cap and trade program had been slated to be finalized and adopted in late 2011, a schedule that was thrown into disarray by the lawsuit but that is in better shape (though by no means certain) after today's decision. For more on the case, see [here](#), [here](#) and [here](#).

Here's the docket summary, which is all I've seen so far:

Petitioners' Request for Judicial Notice in Support of Petition for Writ of Supersedeas (Exhs. A-C), Petitioners' Second Request for Judicial Notice in Support of Petition for Writ of Supersedeas (Exhs. A-B), and Respondents' Request for Judicial Notice in Opposition to the Petition for Writ of Supersedeas (Exhs. A-N) are GRANTED. (Evid. Code ?? 452, subds. (c), (d) & (h); 453; & 459, subd. (a).) The petition for a writ of supersedeas is GRANTED. Pending consideration of the appeal on file herein, enforcement of the superior court's Peremptory Writ of Mandate, in *Association of Irrigated Residents et al. v. California Air Resources Board, et al.*, San Francisco County Superior Court Case No. CPF-09-509562, dated May 20, 2011, is stayed, subject to further order of this court.