

IN THE DISTRICT COURT OF LINCOLN COUNTY, NEBRASKA

STATE OF NEBRASKA, *ex rel.*
MICHAEL T. HILGERS,
ATTORNEY GENERAL,
ENERGY MARKETERS OF
AMERICA, and RENEWABLE
FUELS NEBRASKA,

Plaintiffs,

v.

DAIMLER TRUCK NORTH
AMERICA, INTERNATIONAL
MOTORS, INC. F/K/A
NAVISTAR, INC., PACCAR INC.,
VOLVO GROUP NORTH
AMERICA, and TRUCK &
ENGINE MANUFACTURERS
ASSOCIATION,

Defendants.

CASE NO. CI 24-570

**JOINT STIPULATION OF
DISMISSAL WITH
PREJUDICE**

COME NOW Plaintiffs State of Nebraska, *ex rel.* Michael T. Hilgers, Attorney General, Energy Marketers of America, and Renewable Fuels Nebraska (together, “Plaintiffs”), and Defendants Engine Manufacturers Association d/b/a Truck & Engine Manufacturers Association, Daimler Truck North America LLC, International Motors, LLC, PACCAR Inc, and Volvo Group North America LLC (together, “Defendants”), and hereby stipulate and agree as follows:

WHEREAS, Plaintiffs allege that in 2023, the California Air Resources Board (“CARB”) and certain medium- and heavy-duty truck manufacturers (including Defendants) each signed the “Clean Truck

Partnership” (“CTP”) regarding California’s regulatory emissions standards set forth in the Advanced Clean Trucks (“ACT”) and Omnibus Low NO_x (“Omnibus”) regulations;

WHEREAS, Plaintiffs filed this action on November 19, 2024;

WHEREAS, the United States Congress, using its powers under the Congressional Review Act (“CRA”), issued joint resolutions of disapproval of the United States Environmental Protection Agency’s waivers of preemption for the ACT and Omnibus standards adopted by CARB;

WHEREAS, on June 12, 2025, the President of the United States signed these joint resolutions of disapproval into law, revoking the federal preemption waivers for the ACT and Omnibus rules and rendering them preempted by federal law and unenforceable;

WHEREAS, the Parties agree that the joint resolutions of disapproval are valid and were validly signed into law;

WHEREAS, on January 13, 2025, CARB withdrew its request for an EPA waiver of preemption for CARB’s Advanced Clean Fleets (“ACF”) standards, and ACF is preempted by federal law and unenforceable. CARB subsequently ceased to implement or enforce the substance of the ACF regulations for regulated private and federal fleets;

WHEREAS, the Parties agree that the CTP—which addressed implementation of California’s now-preempted regulations (namely ACT, Omnibus, and portions of ACF)—is voided by Section 209 of the Clean Air Act and, for that and other reasons, cannot be enforced in Nebraska or elsewhere against any signatory;

WHEREAS, the Defendants deny the allegations in the above-

captioned matter, and contend that the CTP had no impact on product availability, price, or the markets for engines or medium- and heavy-duty trucks at any time, and that prior to the President's signing the joint resolutions of disapproval, each Defendant was obligated to follow California's ACT and Omnibus standards as a matter of law, not as a result of the CTP. Once the President signed these joint resolutions of disapproval, preempting the ACT and Omnibus regulations and rendering them unenforceable, each Defendant contends that it was under no obligation to otherwise follow the ACT or Omnibus regulations for that and other reasons, including that Paragraph 2 of the CTP does not contemplate or apply to statutory revocation of California's waivers or authority, and because other fundamentally changed circumstances, including CARB's withdrawal of the waiver request for the ACF regulations and repeal of the ACF requirements for regulated private and federal fleets, have voided the CTP;

WHEREAS, the Parties agree that nothing in this Joint Stipulation of Dismissal shall constitute an admission of any liability, wrongdoing, or any violation of law by any Party;

WHEREAS, the Parties further recognize this litigation's contribution toward regulatory clarity for the medium- and heavy-duty vehicles industry and their customers;

THEREFORE, the Parties hereby stipulate and agree to the dismissal of this matter with prejudice. Each party shall bear its own costs and fees.

By entering this Joint Stipulation of Dismissal, the undersigned hereby stipulate and agree that each Defendant does not consent to personal jurisdiction in this action.

Dated this 11th day of August, 2025.

[SIGNATURE PAGES FOLLOW]

Dated: August 11, 2025

Respectfully submitted,

STATE OF NEBRASKA, Plaintiff

/s/ Zachary B. Pohlman

Michael T. Hilgers, #24483
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Certificate of Service

I hereby certify that on Monday, August 11, 2025 I provided a true and correct copy of the Stipulation to the following:

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service method: Electronic Service to bradh@jacobsenorr.com

Daimler Truck North America LLC represented by Grams, Jason W (Bar Number: 24596)
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Energy Marketers of America represented by Holbrook,Bradley,D. (Bar Number: 21490)
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Renewable Fuels Nebraska represented by Blake E. Johnson (Bar Number: 24158) service
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Energy Marketers of America represented by Blake E. Johnson (Bar Number: 24158)
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Energy Marketers of America represented by Katherine J. Spohn (Bar Number: 22979)
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International Motors, Inc. represented by Maggie Cox (Bar Number: 24394) service method:
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