

James P. Duffy (*pro hac vice* forthcoming)
Ridgeline Center for Law and Policy
712 H Street NE, Suite 90006
Washington, DC 20002
(802) 233-7967
jay.duffy@ridgelinecenter.org

Cara Horowitz (Bar No. 220701)
405 Hilgard Avenue
Los Angeles, CA 90095
(310) 206-4033
Horowitz@law.ucla.edu

Attorneys for Amici Curiae

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

STATE OF CALIFORNIA,

Plaintiff,

v.

CHRIS WRIGHT, in his official
capacity as Secretary of the U.S.
Department of Energy; UNITED
STATES DEPARTMENT OF
ENERGY,

Defendants,

and

SABLE OFFSHORE CORP., PACIFIC
PIPELINE COMPANY,

Intervenor-Defendants.

Case No. 2:26-cv-3396-SVW-SCC

**NOTICE OF MOTION AND
MOTION FOR LEAVE TO FILE
MEMORANDUM OF POINTS AND
AUTHORITIES OF AMICI CURIAE
IN SUPPORT OF PLAINTIFF'S
OPPOSITION TO DEFENDANTS'
MOTION TO DISMISS
PLAINTIFF'S AMENDED
COMPLAINT**

Hearing Date: October 5, 2026

Time: 1:30 pm

Courtroom: 10A, 10th Floor

Judge: Hon. Stephen V. Wilson

Trial Date: Not Set

Action Filed: March 31, 2026

NOTICE OF MOTION

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on October 5, 2026, at 1:30 p.m.,¹ or as soon thereafter as the matter may be heard, proposed *Amici Curiae* respectfully move this Court for leave to file the [Proposed] Memorandum of Points and Authorities of *Amici Curiae* in Support of Plaintiff's Opposition to Defendants' Motion to Dismiss Plaintiff's Amended Complaint, attached hereto. Counsel for *Amici Curiae* initiated conferral with counsel for the parties regarding this Motion and proposed Memorandum on September 1, 2026, by email. Plaintiff consents to the requested relief; Defendants and Intervenor-Defendants do not consent and will decide whether to oppose after this Motion and Memorandum are filed.

This Motion is made pursuant to this Notice of Motion and Motion, the attached Memorandum, all pleadings and papers on file in this action, and such further argument as the Court may permit.

MOTION FOR LEAVE TO FILE *AMICI CURIAE* MEMORANDUM

Proposed *Amici Curiae* respectfully move for leave to file the attached Memorandum for the following reasons:

1. District courts possess broad discretion to permit *amicus* participation, and such participation is particularly appropriate where the case presents complex issues of substantial public importance and constitutional structure. *See Hoptowit v. Ray*, 682 F.2d 1237, 1260 (9th Cir. 1982).

¹ Counsel for proposed *Amici Curiae* believe that this Motion is suitable for resolution on the papers. Counsel identify October 5, 2026 as a proposed hearing date in accordance with Local Rule 6-1 and this Court's "Law and Motion Scheduled," <https://apps.cacd.uscourts.gov/Jps/honorable-stephen-v-wilson>; if the Court plans to hold a hearing on this Motion, Counsel suggests that it be combined with the Court's scheduled hearing on Defendants' Motion to Dismiss Plaintiff's Amended Complaint on September 28, 2026, *see* ECF No. 78.

2. There are no rigid prerequisites for *amicus* status. *Amici* need only demonstrate that their participation will assist the Court by offering a perspective or information that supplements the parties’ presentations. *See Miller-Wohl Co. v. Comm’r of Lab. & Indus.*, 694 F.2d 203, 204 (9th Cir. 1982). Courts have generally “exercised great liberality” in permitting *amicus* participation, *Andrikos v. Pac. Mar. Ass’n*, No. 2:19-CV-10421-GW (JCx), 2021 U.S. Dist. LEXIS 273904, at *4–5 (C.D. Cal. June 30, 2021) (internal quotation marks and citations omitted), as long as that participation “is useful to or otherwise desirable to the court,” *WildEarth Guardians v. Haaland*, 561 F. Supp. 3d 890, 905 (C.D. Cal. 2021) (internal quotation marks and citations omitted). Further, “this Court has generally found it preferable to err on the side of permitting such briefs,” including where *amici* have “unique information or perspective that can help the court beyond the help that the lawyers for the parties are able to provide.” *Id.* at 905–06 (internal quotation marks and citations omitted); *see also FTC v. Live Nation Ent., Inc.*, No. 2:25-cv-08884-MEMF-MAA, 2026 U.S. Dist. LEXIS 36376, at *6 (C.D. Cal. Feb. 17, 2026) (similar); *Merritt v. Barclays PLC*, No. 2:23-cv-09217-MEMF-KS, 2026 U.S. Dist. LEXIS 40373, at *6 (C.D. Cal. Feb. 19, 2026) (similar); *Duronslet v. Cty. of L.A.*, No. 2:16-cv-08933-ODW (PLAx), 2017 U.S. Dist. LEXIS 213736, at *3–4 (C.D. Cal. Jan. 23, 2017) (similar).

3. This case raises fundamental questions of administrative law and separation of powers, including the scope of authority that Congress delegated through the Defense Production Act of 1950 (“DPA”), 50 U.S.C. §§ 4501 et seq., and judicial scrutiny of Executive Branch invocations of national defense or emergency authority to satisfy statutory prerequisites. These issues extend well beyond the immediate parties, implicating Congress’s role in defining—and the courts’ role in enforcing—the limits of authority delegated to the Executive Branch.

4. Proposed *Amici Curiae* include Members of Congress, Senators Sheldon Whitehouse (RI), Alex Padilla (CA), Adam Schiff (CA), Richard Blumenthal (CT), and Tammy Duckworth (IL), and Representatives Salud Carbajal (CA-24), Jared Huffman (CA-2), Nancy Pelosi (CA-11), Zoe Lofgren (CA-18), Ted Lieu (CA-36), Nanette Díaz Barragán (CA-44), Julia Brownley (CA-26), Laura Friedman (CA-30), Sydney Kamlager-Dove (CA-37), Mike Levin (CA-49), Sam Liccardo (CA-16), Doris Matsui (CA-7), Dave Min (CA-47), Kevin Mullin (CA-15), and Jimmy Panetta (CA-19).

5. These members of Congress have a strong institutional interest in preserving Congress’s constitutional and statutory role in defining the scope of Executive Branch authority. Many represent California and/or serve on committees with jurisdiction over energy and the environment and national security. Proposed *Amici Curiae* therefore have a particular interest in ensuring that the Executive Branch exercises its authority under the DPA only when the statute’s required predicates are satisfied and within the bounds Congress prescribed.

6. Proposed *Amici Curiae* also include Professor Paasha Mahdavi, an Associate Professor of Political Science and Affiliated Professor of Environmental Science & Management at the University of California, Santa Barbara, where he directs the Energy Governance and Political Economy Lab. His research on the political economy of the oil and gas industry demonstrates relevant expertise concerning Defendant-Intervenor Sable Offshore Corporation’s (“Sable”) production and the domestic energy markets implicated by the Energy Secretary Wright’s March 13, 2026 order (“Wright Order”) instructing Sable to operate its Santa Ynez Pipeline System (lines CA-324 and CA-325).

7. The Memorandum will assist the Court by demonstrating the need for judicial scrutiny of whether the Executive Branch has satisfied the statutory prerequisites that Congress imposed in the DPA as guardrails against misuse. Specifically, the

Memorandum will inform the Court’s determination of whether the Wright Order is appropriately justified by Executive assertions of national-security and emergency authority or whether the Order instead reflects the Administration’s corporate rescue operation for a political ally in dire financial straits and overt preference for fossil-fuel development at the expense of all other concerns. The Memorandum also provides factual and institutional context concerning how the military obtains refined petroleum through DLA Energy—a component of the U.S. Defense Logistics Agency, which is within the Department of War—and the disconnect between Sable’s crude oil and any identified military need for refined fuel products.

8. No party will be prejudiced by this Motion. Plaintiffs consent indicates that they will not be prejudiced, and Proposed *Amici Curiae* submit this Memorandum seven days prior to the due date for Defendants’ Reply, *see* ECF No. 78, which is reasonable in light of the expedited schedule in place.

9. Local Rule 11-6.1 indicates that memoranda of points and authorities in support of or in opposition to motions shall not exceed twenty-five pages, as does this Court’s New Case Order, ECF No. 18, at 2. The Memorandum is twelve pages (excluding the cover page, table of contents, and table of authorities), which is half the length of the twenty-five-page limit, in accordance with Federal Rule of Appellate Procedure 29(a)(5) and is the same length as the Court’s twelve-page limit for replies in this case, *see* ECF No. 18 at 2.

10. Proposed *Amici Curiae* submit this Motion and Memorandum solely in their individual capacities. Pursuant to L.R. 7.1-1, the undersigned counsel of record for certify that no proposed *Amici Curiae* have a pecuniary interest in the outcome of this case. No counsel for any party authored the proposed Memorandum in whole or in part, and no person or entity other than *Amici Curiae* or their counsel made any monetary contribution intended to fund its preparation or submission.

CONCLUSION

For the foregoing reasons, proposed *Amici Curiae* respectfully request that the Court grant leave to file the proposed Memorandum attached to this Motion.

Dated: September 4, 2026

Respectfully submitted,

/s/ Cara Horowitz

Cara Horowitz (Bar No. 220701)

405 Hilgard Avenue

Los Angeles, CA 90095

(310) 206-4033

Horowitz@law.ucla.edu

James P. Duffy (*pro hac vice* forthcoming)

Ridgeline Center for Law and Policy

712 H Street NE, Suite 90006

Washington, DC 20002

(802) 233-7967

jay.duffy@ridgelinecenter.org

Attorneys for Amici Curiae

CERTIFICATE OF SERVICE

I hereby certify that on September 4, 2026, I served a copy of the foregoing Motion, attached [Proposed] Memorandum of Points and Authorities of *Amici Curiae* in Support of Plaintiff's Opposition to Defendants' Motion to Dismiss Plaintiff's Amended Complaint, and [Proposed] Order via CM/ECF to all parties.

Dated: September 4, 2026

/s/ Cara Horowitz
Cara Horowitz (Bar No. 220701)
405 Hilgard Avenue
Los Angeles, CA 90095
(310) 206-4033
Horowitz@law.ucla.edu

Attorney for Amici Curiae

James P. Duffy (*pro hac vice* forthcoming)
Ridgeline Center for Law and Policy
712 H Street NE, Suite 90006
Washington, DC 20002
(802) 233-7967
jay.duffy@ridgelinecenter.org

Cara Horowitz (Bar No. 220701)
405 Hilgard Avenue
Los Angeles, CA 90095
(310) 206-4033
Horowitz@law.ucla.edu

Attorneys for Amici Curiae

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

STATE OF CALIFORNIA,

Plaintiff,

v.

CHRIS WRIGHT, in his official
capacity as Secretary of the U.S.
Department of Energy; UNITED
STATES DEPARTMENT OF
ENERGY,

Defendants,

and

SABLE OFFSHORE CORP., PACIFIC
PIPELINE COMPANY,

Intervenor-Defendants.

Case No. 2:26-cv-3396-SVW-SCC

**[PROPOSED] MEMORANDUM OF
POINTS AND AUTHORITIES OF
AMICI CURIAE IN SUPPORT OF
PLAINTIFF'S OPPOSITION TO
DEFENDANTS' MOTION TO
DISMISS PLAINTIFF'S AMENDED
COMPLAINT**

Hearing Date: October 5, 2026

Time: 1:30 pm

Courtroom: 10A, 10th Floor

Judge: Hon. Stephen V. Wilson

Trial Date: Not Set

Action Filed: March 31, 2026

TABLE OF CONTENTS

TABLE OF CONTENTS	i
TABLE OF AUTHORITIES	ii
INTEREST OF <i>AMICI CURIAE</i>	1
INTRODUCTION	1
ARGUMENT	2
I. National-security and emergency assertions do not excuse compliance with statutory prerequisites.	2
II. The Wright Order fails to satisfy the DPA’s statutory predicates.	3
A. The Wright Order identifies neither a military-fuel shortfall nor how Sable’s crude oil or the SYPS could meet one.	5
B. DLA Energy’s approach to military-fuel security undermines the Wright Order’s asserted national-defense need.	6
III. DOE invoked national defense as a pretext for the Wright Order.	8
A. DOE’s stated rationale reflects the Administration’s domestic energy agenda, not a national-defense need.	8
B. The circumstances surrounding the Wright Order point to favoritism toward Sable, not national defense.	9
CONCLUSION	12
CERTIFICATE OF COMPLIANCE	14
APPENDIX	15

TABLE OF AUTHORITIES

Cases

<i>Anthropic PBC v. Dep’t of War</i> , 825 F. Supp. 3d 1101 (N.D. Cal. 2026)	3
<i>Dep’t of Commerce v. New York</i> , 588 U.S. 752 (2019)	3
<i>Doe v. Trump</i> , 957 F.3d 1050 (9th Cir. 2020)	9
<i>Learning Resources, Inc. v. Trump</i> , 607 U.S. 229 (2026)	2, 9
<i>Naswood v. Banks</i> , No. EDCV 09-1675-SVW (DTB), 2011 U.S. Dist. LEXIS 175523 (C.D. Cal. Sep. 12, 2011)	4
<i>Nat’l TPS All. v. Noem</i> , 166 F.4th 739 (9th Cir. 2026)	3
<i>Nebraska v. Su</i> , 121 F.4th 1 (9th Cir. 2024)	4
<i>Newsom v. Trump</i> , 141 F.4th 1032 (9th Cir. 2025)	3
<i>Oregon v. Trump</i> , 165 F.4th 1158 (9th Cir. 2025)	9
<i>PBC v. Dep’t of War</i> , No. 3:26-cv-01996-RFL, 2026 U.S. Dist. LEXIS 194178 (N.D. Cal. Aug. 27, 2026)	2, 3
<i>RENEW Ne. v. Dep’t of the Interior</i> , No. 25-cv-13961, 2026 U.S. Dist. LEXIS 87471 (D. Mass. Apr. 21, 2026)	4

Roman Catholic Diocese v. Cuomo,
592 U.S. 14 (2020) 2

Ziglar v. Abbasi,
582 U.S. 120 (2017) 2

Statutes

50 U.S.C. § 4502(a)(5) 1

50 U.S.C. § 4511 3

Administrative and Executive Materials

DLA Energy, *Archived Fact Books*,
<https://www.dla.mil/Energy/About/Library/> 5

DLA Energy, *DLA Energy’s Pacific Pivot Begins
in the Americas* (June 24, 2015)..... 7

DLA Energy, *Fiscal Year 2019 Fact Book* 7

DLA Energy, *Fiscal Year 2022 Fact Book* 7

DLA Energy, *Fiscal Year 2025 Fact Book* 5

DLA Energy, *Fueling the Military’s Objectives: DLA Energy’s Agile
Contracting Powers Missions in the Western Hemisphere* (June 15, 2026)..... 7

DOE, *Naval Petroleum Reserves*,
<https://www.energy.gov/hgeo/opr/naval-petroleum-reserves> 5

Other Authorities

Br. of Energy Law Scholars *Amici Curiae* in Supp. of Pl.’s Resp. to
Defs.’ Mot. to Dismiss, *Washington v. Trump*,
No. 2:25-cv-00869 (W.D. Wash. May 13, 2026) 4

Erika Kranz, Env’t & Energy L. Program at Harv. L. Sch., *One Year of
Trump’s “Energy Emergency” in Context and in Court* (Jan. 21, 2026) 4

1	Ian M. Stevenson, James Bikales & Scott Waldman, <i>White House</i>	
2	<i>Official's Move to Oil Company She Aided Raises Ethics Questions,</i>	
3	POLITICO (Aug. 21, 2026)	12
4	Just Security, <i>The "Presumption of Regularity" in</i>	
5	<i>Trump Administration Litigation</i> (4th ed.).....	8
6	Letter from Senator Adam B. Schiff et al., Members of Cong.,	
7	to Jim Flores, Chairman & CEO, Sable Offshore Corp. (May 27, 2026)	12
8	Nasdaq, <i>Sable Offshore Corp. Common Stock (SOC) Historical Quotes</i>	10
9	Sable Offshore Corp., <i>Form 8-K</i> (Nov. 3, 2025).....	10
10	Sable Offshore Corp., <i>Form 10-K</i> (Feb. 27, 2026).....	10
11	Sable Offshore Corp., <i>Form 10-Q</i> (Aug. 12, 2025)	10
12	Sable Offshore Corp., <i>Q2 2026 Investor Presentation</i> (Aug. 10, 2026)	6
13	Sable Offshore Corp., <i>Sable Offshore Corp. Reports Restart of</i>	
14	<i>Oil Production at the Santa Ynez Unit and Anticipated Oil Sales</i>	
15	<i>from the Las Flores Pipeline System in July 2025</i> (May 19, 2025)	10
16	Sable Offshore Corp., <i>Second Amendment to Senior Secured</i>	
17	<i>Term Loan Agreement</i> (Nov. 3, 2025)	10
18	Sam Koppelman & Till Daldrup, Hunterbrook Media,	
19	<i>Exclusive: Exxon Spinout Sable Leaked Key Info To Investors Including</i>	
20	<i>Golfer Phil Mickelson</i> (Oct. 31, 2025).....	11
21	Till Daldrup & Jacob Hutt, Hunterbrook Media,	
22	<i>Zombie Pipeline: Why Sable is Still a Pipe Dream,</i> (Jan. 23, 2026).....	10
23	Tr. of Mot. Hr'g, <i>Vineyard Wind 1, LLC v. Dep't of the Interior,</i>	
24	No. 1:26-cv-10156-BEM (D. Mass. Jan. 30, 2026), ECF No. 79	8
25	Tr. of Prelim. Inj. Hr'g, <i>Revolution Wind, LLC v. Burgum,</i>	
26	No. 1:25-cv-02999-RCL (D.D.C. Jan. 12, 2026), ECF No. 65	3, 8
27		
28		

1 **INTEREST OF *AMICI CURIAE***

2 *Amici Curiae* include Members of Congress listed in the attached appendix.
3 They have a strong institutional interest in preserving Congress’s constitutional and
4 statutory role in defining the scope of Executive Branch authority. Many represent
5 California and/or serve on committees with jurisdiction over energy and
6 environment, as well as national security. *Amici Curiae* therefore have a particular
7 interest in ensuring that the Executive Branch exercises its authority under the
8 Defense Production Act of 1950 (“DPA”) only when the statute’s required
9 predicates are satisfied and within the bounds Congress prescribed.

10 *Amici Curiae* also include Paasha Mahdavi, an Associate Professor of
11 Political Science and Affiliated Professor of Environmental Science & Management
12 at the University of California, Santa Barbara, where he directs the Energy
13 Governance and Political Economy Lab. His peer-reviewed research focuses on the
14 political economy of the oil and gas industry, with independent applications to Sable
15 Offshore Corp.’s (“Sable”) production capacity and the impacts of its operations on
16 domestic energy markets.

17 **INTRODUCTION**

18 This case is not about national defense. It is about a heavily leveraged, crude-
19 oil company asking the President to transform the DPA from a statute designed to
20 “assure the availability of domestic energy supplies for national defense needs,” 50
21 U.S.C. § 4502(a)(5), into a corporate rescue operation for political allies; a rescue
22 that advances the Administration’s political preference for fossil-fuel development at
23 the expense of all other concerns. The Department of Energy’s (“DOE”) March 13,
24 2026 order (the “Wright Order”) comes nowhere close to identifying a need for
25 Sable crude oil or pipelines in the Order’s generalized invocation of California’s
26 military presence and increased reliance on foreign crude. DOE never explains why
27
28

1 those general circumstances create a national-defense need for Sable’s crude, much
2 less how restarting its beleaguered pipelines would meet one.

3 Merely invoking “national defense” or an “emergency” does not insulate
4 executive action from the statutory prerequisites that Congress imposed in the DPA
5 on the exercise of delegated authority. Enforcing these requirements, i.e., that the
6 Secretary establish the statutory predicates for invoking the DPA, does not amount
7 to second-guessing genuine executive judgments about national defense. Instead,
8 enforcement honors the conditions precedent Congress imposed to prevent abuse of
9 the DPA. DOE’s failure to satisfy these statutory prerequisites invalidates the Wright
10 Order.

11 ARGUMENT

12 **I. National-security and emergency assertions do not excuse compliance** 13 **with statutory prerequisites.**

14 “[N]ational-security concerns must not become a talisman used to ward off
15 inconvenient claims.” *Ziglar v. Abbasi*, 582 U.S. 120, 143 (2017). Courts have
16 reiterated that the “empty invocation of national security is not a blank check.” *PBC*
17 *v. Dep’t of War*, No. 3:26-cv-01996-RFL, 2026 U.S. Dist. LEXIS 194178, at *10–11
18 (N.D. Cal. Aug. 27, 2026). And the Supreme Court in *Learning Resources, Inc. v.*
19 *Trump* invalidated “unbounded” tariffs based on asserted emergency authority,
20 emphasizing Congress’s use of “procedural prerequisites” and “careful constraints”
21 when conferring the claimed tariff authority in other statutes. 607 U.S. 229, 244, 251
22 n.4, 308 (“tight restraints” and “strict procedural constraints”) (2026). Deference to
23 national-security or emergency determinations cannot license “wholesale judicial
24 abdication.” *Roman Catholic Diocese v. Cuomo*, 592 U.S. 14, 30 (2020)
25 (Kavanaugh, J., concurring).

26 These principles play a vital role where Congress has conditioned delegated
27 authority on statutory prerequisites. Even applying a deferential standard, the Ninth
28

1 Circuit required predicate findings to meet the requirements of good faith and “a
2 colorable assessment of the facts and law within a range of honest judgment.”
3 *Newsom v. Trump*, 141 F.4th 1032, 1047–51 (9th Cir. 2025). Over and over, across a
4 range of statutory authorities, courts have rejected this Administration’s asserted
5 national-security rationales where the record revealed a lack of factual support,
6 contradictions in the stated justification, predetermined outcomes, or irregular
7 procedures. *E.g.*, Tr. of Prelim. Inj. Hr’g 42:4–45:01, *Revolution Wind, LLC v.*
8 *Burgum*, No. 1:25-cv-02999-RCL (D.D.C. Jan. 12, 2026),
9 <https://tinyurl.com/mts5yuhu>; *Anthropic PBC v. Dep’t of War*, 825 F. Supp. 3d
10 1101, 1133 (N.D. Cal. 2026); *PBC v. Dep’t of War*, 2026 U.S. Dist. LEXIS 194178,
11 at *9–10; *Nat’l TPS All. v. Noem*, 166 F.4th 739, 771–74 (9th Cir. 2026) (Mendoza,
12 J., joined by Wardlaw, J., concurring), *reh’g denied*, 169 F.4th 796 (9th Cir. 2026),
13 *overruled on other grounds by Mullin v. Doe*, 146 S. Ct. 2121 (2026).

14 The DPA requires predicate findings concerning, among other things, scarcity,
15 criticality, essentiality to national defense, and whether the asserted need can
16 otherwise be met; it is not a freestanding license to control the “normal distribution”
17 of products “in the civilian market.” 50 U.S.C. § 4511. “Deference” does not relieve
18 DOE or the President from those statutory prerequisites or permit conclusory
19 assertions to substitute for the factual basis that Congress required. The Executive
20 Branch must provide “genuine justifications for important decisions, reasons that
21 can be scrutinized by courts and the interested public,” not explanations that are
22 “contrived” or “incongruent with” the record. *Dep’t of Commerce v. New York*, 588
23 U.S. 752, 785 (2019). Hand-waving about “national security” is not enough.

24 **II. The Wright Order fails to satisfy the DPA’s statutory predicates.**

25 DOE fails to articulate why Sable’s crude-oil production and operation of the
26 Santa Ynez Pipeline System (“SYPS”) (lines CA-324 and CA-325) are “necessary”
27 for national defense. *See* Am. Compl., ECF No. 72 ¶¶ 90, 91–93, 150–51. The Order
28

1 fails to identify any specific military need for crude oil or even explain how Sable’s
2 crude will be refined and ultimately distributed for military use. *See id.* ¶¶ 77, 91–93,
3 148, 150–51. Instead, DOE invokes generalities: California’s gasoline prices,
4 declining crude-oil production, reliance on imported crude, and limited pipeline
5 infrastructure—without further explanation. *See id.* ¶¶ 90–93; Defs.’ Opp. to Pl.’s
6 Mot. for Prelim. Inj. and Stay, ECF No. 23, Ex. A, at 59. Those generalized concerns
7 do not connect Sable’s operations to any specific national-defense need or otherwise
8 satisfy the DPA’s statutory prerequisites.

9 Nor can the President’s January 2025 declaration of a national “energy
10 emergency” fill that gap. That declaration itself is pretextual, *see generally* Br. of
11 Energy Law Scholars *Amici Curiae* in Supp. of Pl.’s Resp. to Defs.’ Mot. to
12 Dismiss, *Washington v. Trump*, No. 2:25-cv-00869 (W.D. Wash. May 13, 2025),
13 <https://tinyurl.com/57c5m627>, and merely reflects a policy preference for fossil-fuel
14 development, not any actual energy-supply emergency, *see generally* Erika Kranz,
15 Env’t & Energy L. Program at Harv. L. Sch., *One Year of Trump’s “Energy*
16 *Emergency” in Context and in Court* (Jan. 21, 2026), <https://tinyurl.com/9pru5vrs>.¹
17 In any event, a presidential directive neither expands an agency’s statutory authority
18 nor excuses compliance with the Administrative Procedure Act. *See Nebraska v. Su*,
19 121 F.4th 1, 17 (9th Cir. 2024); *RENEW Ne. v. Dep’t of the Interior*, No. 25-cv-
20 13961, 2026 U.S. Dist. LEXIS 87471, at *64–65 (D. Mass. Apr. 21, 2026). The
21 “emergency” declaration therefore cannot supplant DPA prerequisites nor fill in
22 missing connection between Sable’s operations and “national defense.” The Wright
23 Order fails at each step.

24
25
26 ¹ The Court may take judicial notice of this and other documents cited herein *sua*
27 *sponte*. *Naswood v. Banks*, No. EDCV 09-1675-SVW (DTB), 2011 U.S. Dist.
28 LEXIS 175523, at *7 n.2 (C.D. Cal. Sep. 12, 2011).

A. The Wright Order identifies neither a military-fuel shortfall nor how Sable’s crude oil or the SYPS could meet one.

While the materials supporting the Wright Order vaguely gesture at the military presence in California and foreign oil dependence potentially causing fuel supply risk, ECF No. 23, Ex. A, at 45–46, they do not assert that any military installations lack refined fuel, identify a military-fuel contract that cannot be fulfilled, or explain why existing supplies are inadequate. One telling failure of omission: DLA Energy—a component of the U.S. Defense Logistics Agency, which itself is within the Department of War—is responsible for supplying the military’s petroleum needs and identifying any unmet fuel requirement or fuel contract requiring priority treatment. DLA Energy procures, stores, transports, and distributes the military’s refined petroleum products, principally jet fuel, diesel, and gasoline. DLA Energy, *Fiscal Year 2025 Fact Book* 4, <https://perma.cc/FCA2-SYWB>. In 2025 alone, the agency managed 903 petroleum contracts serving more than 4,000 locations. *Id.* at 4, 10. Yet the Wright Order neither cites information from DLA Energy nor identifies any DLA contract, fuel requirement, or supply constraint that Sable’s crude would address.

Nor does the Wright Order establish the other end of the supply chain: that Sable’s *crude* oil will ultimately meet any actual national-defense need for *refined* petroleum. Sable produces crude oil and does not operate a refinery capable of producing any fuel that the military consumes. The military does not purchase crude oil² and has not managed it directly since the dismantling of the Naval Petroleum Reserve in 1996. DOE, *Naval Petroleum Reserves*, <https://www.energy.gov/hgeo/opr/naval-petroleum-reserves>. Instead, for Sable’s crude oil to become a product that DLA Energy could purchase, the crude first must

² DLA Energy Fact Books from 2008 through 2024, which report petroleum purchases by product category, reflect no purchases of crude oil. *See* DLA Energy, *Archived Fact Books*, <https://www.dla.mil/Energy/About/Library/>.

1 be sold into the commercial market, transported to a refinery, and refined into usable
2 petroleum products. But the Wright Order ignores the supply-chain problem of
3 converting Sable's crude into military-ready fuel, let alone delivery to DLA Energy
4 or a military installation. The Order simply disregards the unlikelihood that fuel
5 refined from Sable's crude will ever satisfy a military need.

6 Sable's own disclosures underscore the disconnect. Its crude oil entered an
7 ordinary commercial market that was not suffering from a shortage of crude: when
8 Sable restarted production in March 2026, California refiners *displaced* previously
9 scheduled crude-oil cargoes to accommodate Sable's unexpected supply. Sable
10 Offshore Corp., *Q2 2026 Investor Presentation* 11 (Aug. 10, 2026),
11 <https://tinyurl.com/t7fnhxeb>. Refiners then *limited* Sable's throughput, imposed
12 price deductions based on sulfur content, and negotiated additional marketing
13 arrangements. *Id.* at 4, 11–12. The Wright Order is missing causal connection at
14 both ends of the supply chain.

15 **B. DLA Energy's approach to military-fuel security undermines the**
16 **Wright Order's asserted national-defense need.**

17 History further undermines the Wright Order's premise that Sable's
18 operations will address, even incrementally, a purported defense energy-supply
19 deficiency. The SYPS remained out of service for nearly eleven years after the 2015
20 Refugio oil spill. If SYPS operation had been critical to West Coast military-fuel
21 security, its decade-plus absence would likely have surfaced somewhere in DLA
22 Energy's extensive public discussion of military-fuel readiness, as either a cause of
23 shortage or an opportunity to cure one.

24 It did not. In June 2015—the same month the SYPS went offline—DLA
25 Energy published a detailed account of its West Coast fuel strategy to accommodate
26 a greatly expanded Pacific focus. It described modernized military-fuel
27 infrastructure and an expanding network of commercial suppliers supporting
28

1 military installations throughout the West. DLA Energy, *DLA Energy's Pacific Pivot*
2 *Begins in the Americas* (June 24, 2015), <https://perma.cc/844T-2HG2>. DLA Energy
3 mentioned neither the loss of Sable's crude oil nor any resulting fuel shortage.

4 Over the following decade, DLA Energy continued to describe West Coast
5 and Pacific fuel security in terms of commercial partnerships, storage,
6 transportation, supplier diversification, and predictive logistics. *See generally, e.g.,*
7 DLA Energy, *Fiscal Year 2019 Fact Book*, <https://perma.cc/Z4JT-TJHP>; DLA
8 Energy, *Fiscal Year 2022 Fact Book*, <https://perma.cc/W77P-MSEX>. If DLA
9 Energy was failing to deliver sufficient volumes of refined petroleum products to
10 California military installations or had identified an unmet need that Sable's
11 operation could fill, there would be written evidence in DLA Energy's public
12 records. There is none.

13 DLA Energy's silence undermines the purported national security needs that
14 DOE invoked to justify its extraordinary federal intervention in 2026. Even amid the
15 recent disruption in the Strait of Hormuz, DLA Energy has addressed military
16 refined-petroleum needs by modifying or creating finished-fuel contracts, making
17 spot purchases, returning storage tanks to service, and deploying commercial tankers
18 filled with petroleum products such as diesel and jet fuel. *See* DLA Energy, *Fueling*
19 *the Military's Objectives: DLA Energy's Agile Contracting Powers Missions in the*
20 *Western Hemisphere* (June 15, 2026), <https://perma.cc/373R-SJBH>. If there were
21 unmet military-fuel needs due to global events in 2026, the Wright Order logically
22 would have built off DLA Energy's measures by using DPA authority, for example,
23 to mandate that suppliers prioritize military contracts or allocate any scarce materials
24 to restore storage capacity. Instead, the Wright Order props up a particular, troubled,
25 upstream crude source with no connection to actual refined-petroleum supply needs
26 for the military.

III. DOE invoked national defense as a pretext for the Wright Order.

A. DOE's stated rationale reflects the Administration's domestic energy agenda, not a national-defense need.

DOE's failure to connect Sable's crude oil and pipelines to a national-defense need in the record points to pretext. DOE's findings reflect its disagreement with California's overall energy policy, not a shortage of military-ready refined petroleum. DOE emphasizes California's gasoline prices, declining in-state crude production and refining, dependence on foreign crude, and state safety, health, and environmental protections that the Administration contends constrain oil production. ECF No. 23, Ex. A, at 53, 55, 58, 63. Those generalized concerns fall well short of establishing the kind of specific military-fuel shortfall that DOE suggests in the Wright Order.

The Administration's attempt to achieve policy objectives by manufacturing national-security needs to unlock statutory authority reflects a broader pattern that justifies judicial skepticism. *See, e.g., Just Security, The "Presumption of Regularity" in Trump Administration Litigation* (4th ed.), <https://perma.cc/M2RF-P5SM> (cataloguing 90 instances of courts' expressing doubt about this Administration's information and representations). For example, the Administration invoked national-security concerns to halt several permitted offshore wind projects, but courts rejected each of those actions. One court concluded that Administration's "failure to explain or apply [its] reasoning suggests that the stated national security reason may have been pretextual," Tr. of Prelim. Inj. Hr'g 44:8–10, *Revolution Wind*, No. 1:25-cv-02999-RCL, <https://tinyurl.com/mts5yuhu>, while another emphasized that invoking national security "does not end the inquiry," Tr. of Mot. Hr'g 55:8–12, *Vineyard Wind 1, LLC v. Dep't of the Interior*, No. 1:26-cv-10156-BEM (D. Mass. Jan. 30, 2026), <https://tinyurl.com/34pjfk44>. The Administration has also invoked emergency or national-security rationales to prevent planned coal-plant

1 retirements. *See, e.g., Michigan v. Dep’t of Energy*, No. 25-1159 (D.C. Cir. filed
2 July 24, 2025).

3 Here, too, the Court “need not accept the [Secretary’s] telling of the story as
4 the last word, particularly in the face of contrary evidence.” *Oregon v. Trump*, 165
5 F.4th 1158, 1184 (9th Cir. 2025) (Bybee, J., statement in support of en banc review).
6 Congress did not authorize the Executive Branch to invoke the DPA to advance a
7 domestic energy-policy preference or benefit a favored corporate ally. “National
8 security” hand-waving cannot replace proper factfinding and logical reasoning. *Cf.*
9 *Doe v. Trump*, 957 F.3d 1050, 1067 (9th Cir. 2020) (concluding that a proclamation
10 rested on “virtually no factual findings” and “minimal reasoning”). Nor does the
11 Wright Order’s reliance on the “energy emergency” declaration cure the problem;
12 indeed, such authorities “‘afford a ready pretext for usurpation.’” *Learning Res.,*
13 *Inc.*, 607 U.S. at 247 (quoting *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S.
14 579, 650 (1952) (Jackson, J., concurring)). Deference to national-security
15 determinations does not require this Court to sanction executive action beyond the
16 authority Congress actually conferred, much less a hollow invocation of national
17 defense to justify such a parochial outcome.

18 **B. The circumstances surrounding the Wright Order point to**
19 **favoritism toward Sable, not national defense.**

20 Sable’s conduct leading up to the Wright Order belies the asserted national-
21 security justification. Far from addressing a sudden defense need for Sable’s crude
22 oil after more than a decade of inactivity, the Wright Order oversteps DPA authority
23 to help a fossil-fuel ally in desperate need of a financial bailout.

24 Sable acquired the SYPS and associated offshore crude-extraction assets from
25 Exxon in 2024 under an agreement that included a \$622-million loan from Exxon,
26 and put Sable under enormous pressure to restart production. ECF No. 72 ¶ 45. If
27 Sable failed to resume initial crude-oil production, regardless of its ability to

1 transport it through the SYPS, by October 2025, Exxon could reclaim the assets—
2 which would effectively end Sable’s business. *Id.* ¶ 46.³ On April 15, 2025, Sable
3 CEO Jim Flores proposed beginning production without required State approvals,
4 telling investors that it would be “much harder to stop [Sable] once [it was] in
5 production than the status quo being off production.”⁴ Sable resumed initial crude
6 production on May 15, 2025.⁵

7 Although restarting Sable’s crude-oil production likely prevented Exxon from
8 reclaiming Sable’s assets in the near-term, production did not end Sable’s financial
9 troubles because it still could not transport crude to buyers via the SYPS. Restarting
10 production also *accelerated* the maturity date of Sable’s debt to January 10, 2026,
11 forcing Sable to restructure even as it lacked any means of generating revenue.⁶ The
12 restructured debt’s terms—higher interest rate, liquidity covenants, and a
13 requirement to raise an additional \$225 million from equity investors—demonstrate
14 that Sable was in dire financial straits.⁷ Financial markets responded immediately,
15 cutting Sable’s stock price in half as the terms became public.⁸

16 ³ See also Sable Offshore Corp., *Form 10-K* 1, 59, 70 (Feb. 27, 2026) (discussing
17 the purchase agreement amendment that required first production at least 150 days
18 before the restart failure date of March 1, 2026), <https://perma.cc/KR3L-26BB>.

19 ⁴ Till Daldrup & Jacob Hutt, Hunterbrook Media, *Zombie Pipeline: Why Sable is*
20 *Still a Pipe Dream*, (Jan. 23, 2026), <https://perma.cc/2N3X-HD3S>.

21 ⁵ Sable Offshore Corp., *Sable Offshore Corp. Reports Restart of Oil Production at*
22 *the Santa Ynez Unit and Anticipated Oil Sales from the Las Flores Pipeline System*
23 *in July 2025* (May 19, 2025), <https://tinyurl.com/4k2f7c6y>.

24 ⁶ Sable Offshore Corp., *Form 10-Q* 8, 19, 41 (Aug. 12, 2025),
25 <https://perma.cc/2F6L-QSD7>.

26 ⁷ Sable Offshore Corp., *Second Amendment to Senior Secured Term Loan*
27 *Agreement* (Oct. 31, 2025), <https://perma.cc/T7HT-K44M>; Sable Offshore Corp.,
28 *Form 8-K* (Nov. 3, 2025), <https://perma.cc/L8AY-AH9K>.

⁸ Sable’s stock closed at \$12.83 on October 30, 2025 (the day before the deal was
signed) and \$5.90 on November 4, 2025 (the day after it was announced), a drop of
\$6.93 per share. See Nasdaq, Sable Offshore Corp. Common Stock (SOC)
Historical Quotes, <https://perma.cc/Q8UU-Q9U4>.

1 Around the same time, Sable sought federal intervention to restart the SYPS.
2 Flores reportedly disclosed to select investors his plan to take advantage of
3 Administration connections to obtain a federal order allowing Sable to bypass
4 California’s safety requirements and environmental protections.⁹ Flores claimed
5 connections with DOE Secretary Wright and to have reached “DJT” through an
6 intermediary during which Flores proposed painting President Trump’s name on
7 Sable’s offshore platforms—an idea he said the President “liked . . . in gold.”¹⁰ Sable
8 formalized its plan on December 12, 2025, with a letter to DOE requesting a DPA
9 order directing operation of the SYPS. ECF No. 72 ¶ 58.

10 The Administration soon provided the relief Sable sought. On March 3, 2026,
11 the Department of Justice’s Office of Legal Counsel issued an opinion concluding
12 that a DPA order would preempt state laws and the federal consent decree
13 preventing Sable from using the pipelines. *Id.* ¶ 59. Ten days later, President Trump
14 delegated the relevant DPA authority to Secretary Wright; that same day, Wright
15 used it to order Sable to operate the SYPS. *Id.* ¶¶ 60–62. Sable began transporting oil
16 the next day. *Id.* ¶ 63.

17 The manner in which DOE provided Sable relief further undermines the
18 asserted national-defense rationale. DOE issued the Order without: (1) consulting
19 the Department of Commerce, the Department of War, or DLA Energy; (2)
20 specifying regulatorily required start-and-end dates; or (3) meeting other
21 requirements of its own regulations. *See* ECF No. 72 ¶¶ 26–29 (listing regulatory
22 requirements), 78 (noting failure to comply with 10 C.F.R. § 217.54). The Order
23 seeks to override state-law protections that do not impede the overall flow of crude
24

25 ⁹ *See* Sam Koppelman & Till Daldrup, Hunterbrook Media, *Exclusive: Exxon*
26 *Spinout Sable Leaked Key Info To Investors Including Golfer Phil Mickelson* (Oct.
27 31, 2025), <https://perma.cc/K94L-99WW>.

28 ¹⁰ *Id.*

oil in California, while singling out one crude producer for favorable treatment. Nothing about the asserted national-defense need explains these departures. The evident urgency was instead Sable’s own need for immediate federal intervention to begin generating revenue and temporarily stave off financial crisis.

The unusually close relationship between the Administration and Sable continued after the Order. Brittany Kelm, a senior White House energy adviser, worked extensively to secure Sable’s restart and was publicly credited with having “unlocked production in California.”¹¹ Kelm then left the government to lead Sable’s Washington DC policy office.

The sequence prompted a congressional investigation. Members conducting that oversight concluded that the circumstances “suggest that the Trump Administration is willing to circumvent state laws to benefit industry partners and preferred energy sources, and [that Sable is] a willing partner in its efforts.”¹² These circumstances, alongside DOE’s other failures, support the conclusion that “national defense” supplied a pretextual justification for an outcome Sable and the Administration already wanted—and was not the reason DOE deployed the DPA. The Court should not be taken in by that pretextual assertion.

CONCLUSION

For these reasons and those presented in Plaintiff’s Opposition, the Court should deny the Defendants’ Motion to Dismiss Amended Complaint.

¹¹ Ian M. Stevenson, James Bikales & Scott Waldman, *White House Official’s Move to Oil Company She Aided Raises Ethics Questions*, POLITICO (Aug. 21, 2026), <https://www.politico.com/news/2026/08/21/white-house-oil-sable-kelm-01044410>.

¹² Letter from Senator Adam B. Schiff et al., Members of Cong., to Jim Flores, Chairman & CEO, Sable Offshore Corp. (May 27, 2026), <https://perma.cc/CU3X-VPNP>.

1 Dated: September 4, 2026

Respectfully submitted,

2 /s/ Cara Horowitz

3 Cara Horowitz (Bar No. 220701)

4 405 Hilgard Avenue

5 Los Angeles, CA 90095

6 (310) 206-4033

Horowitz@law.ucla.edu

7 James P. Duffy (*pro hac vice forthcoming*)

8 Ridgeline Center for Law and Policy

9 712 H Street NE, Suite 90006

10 Washington, DC 20002

11 (802) 233-7967

12 jay.duffy@ridgelinecenter.org

13 *Attorneys for Amici Curiae*

CERTIFICATE OF COMPLIANCE

The undersigned, counsel of record for *Amici Curiae*, certifies that this Memorandum contains 12 pages, which complies with the Court's New Case Order, ECF 18 at 2, setting a 25-page limit, as well Local Rule 11-6.1.

Dated: September 4, 2026

Respectfully Submitted,

/s/Cara Horowitz

Cara Horowitz

APPENDIX

LIST OF *AMICI CURIAE*

Members of Congress

Sen. Sheldon Whitehouse
Rhode Island

Sen. Alex Padilla
California

Sen. Adam Schiff
California

Sen. Richard Blumenthal
Connecticut

Sen. Tammy Duckworth
Illinois

Rep. Salud Carbajal
California – 24

Rep. Jared Huffman
California – 2

Rep. Nancy Pelosi
California – 11

Rep. Zoe Lofgren
California – 18

Rep. Ted Lieu
California – 36

Rep. Nanette Díaz Barragán
California – 44

Rep. Julia Brownley
California – 26

Rep. Laura Friedman
California – 30

1 Rep. Sydney Kamlager-Dove
2 *California – 37*

3 Rep. Mike Levin
4 *California – 49*

5 Rep. Sam Liccardo
6 *California – 16*

7 Rep. Doris Matsui
8 *California – 7*

9 Rep. Dave Min
10 *California – 47*

11 Rep. Kevin Mullin
12 *California – 15*

13 Rep. Jimmy Panetta
14 *California – 19*

1 **UNITED STATES DISTRICT COURT**
2 **CENTRAL DISTRICT OF CALIFORNIA**

3
4 STATE OF CALIFORNIA,

5 *Plaintiff,*

6
7 v.

8 CHRIS WRIGHT, in his official
9 capacity as Secretary of the U.S.
10 Department of Energy; UNITED
11 STATES DEPARTMENT OF
ENERGY,

12 *Defendants,*

13 and

14 SABLE OFFSHORE CORP., PACIFIC
15 PIPELINE COMPANY,

16 *Intervenor-Defendants.*

Case No. 2:26-cv-3396-SVW-SCC

**[PROPOSED] ORDER GRANTING
MOTION FOR LEAVE TO FILE
MEMORANDUM OF POINTS AND
AUTHORITIES OF AMICI CURIAE
IN SUPPORT OF PLAINTIFF'S
OPPOSITION TO DEFENDANTS'
MOTION TO DISMISS
PLAINTIFF'S AMENDED
COMPLAINT**

Hearing Date: October 5, 2026

Time: 1:30 pm

Courtroom: 10A, 10th Floor

Judge: Hon. Stephen V. Wilson

Trial Date: Not Set

Action Filed: March 31, 2026

17
18 Upon consideration of the Motion for Leave to File Memorandum of Points and
19 Authorities of *Amici Curiae* in Support of Plaintiff's Opposition to Defendants'
20 Motion to Dismiss Plaintiff's Amended Complaint, it is hereby **ORDERED** that the
21 Motion is **GRANTED**.
22

23 **IT IS SO ORDERED.**
24

25
26 Date: _____

27 HON. STEPHEN V. WILSON
28 United States District Judge

