

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

CLIMATE UNITED FUND
7550 Wisconsin Avenue 8th Floor
Bethesda, Maryland 20814

Plaintiff,

v.

CITIBANK, N.A.,
5800 South Corporate Place
Sioux Falls, South Dakota 57108,

and

**UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY**
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460,

and

**LEE ZELDIN, in his official capacity as
ADMINISTRATOR, UNITED STATES
ENVIRONMENTAL PROTECTION
AGENCY**
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Defendants.

ECF CASE

No. 1:25-cv-00698

CLIMATE UNITED’S MOTION FOR TEMPORARY RESTRAINING ORDER

Pursuant to Local Civil Rule 65.1(a), Plaintiff Climate United Fund (“Climate United”) hereby moves for a temporary restraining order requiring Defendant Citibank, N.A. (“Citibank”) to comply with its contractual obligations under the Account Control Agreement, including by disbursing National Clean Investment Fund (NCIF) grant funds to which Climate United is legally entitled, both with respect to requests that Climate United has already submitted and future

requests, until the Court can further consider the merits. Because statements by both Citibank and the Environmental Protection Agency (EPA)'s Administrator strongly suggest that EPA is causing Citibank's illegal actions, Climate United also seeks a temporary restraining order enjoining EPA and EPA Administrator Zeldin from impeding Citibank from complying with its contractual obligations, or otherwise causing Citibank to deny, obstruct, delay, or otherwise prevent Climate United from accessing its grant funds as provided for under the Account Control Agreement, the grant award, and applicable law. Climate United also seeks a temporary restraining order enjoining EPA and EPA Administrator Zeldin from unlawfully suspending or terminating Climate United's grant award, except as is permitted in accordance with the Account Control Agreement, the grant award, and applicable law.

As set forth in more detail in the accompanying Memorandum of Law, Climate United has a strong likelihood of success on its claims against Citibank for breach of contract. Climate United also has a strong likelihood of success on its claims that EPA's actions are arbitrary and capricious, an abuse of discretion, or otherwise not in accordance with law under the Administrative Procedure Act, and that EPA's actions violate Climate United's right to due process. Defendants' conduct threatens Climate United with imminent irreparable injury. That injury outweighs any benefit gained by Defendants. The public interest is best served by requiring Citibank and EPA to comply with the Account Control Agreement, the grant award, and applicable law.

Pursuant to Local Civil Rule 65.1(a), on March 8, 2025, Counsel for Climate United emailed Defendants or their representatives to provide a copy of the complaint filed on March 8, 2025, and to provide notice that they would be filing a motion for a temporary restraining order

on March 10, 2025, with respect to Climate United's NCIF grant.¹ Contemporaneously with filing this Motion for Temporary Restraining Order, Counsel for Climate United emailed Defendants or their representatives the motion and accompanying brief, declaration, exhibits and proposed order at the following email addresses:

K. Winn Allen, Counsel for Citibank
Winn.Allen@kirkland.com

Lee Zeldin, Administrator, EPA
Zeldin.Lee@epa.gov

Eric J. Hamilton, Deputy Assistant Attorney General, Federal Programs Branch, DOJ
Eric.hamilton@usdoj.gov

Alex Haas, Co-Director, Federal Programs Branch, DOJ
Alex.haas@usdoj.gov

John Griffiths, Co-Director, Federal Programs Branch, DOJ
John.griffiths@usdoj.gov

In addition, Counsel for Climate United submitted via Overnight Mail copies of the Complaint, Motion for Temporary Restraining Order, and accompanying brief, declaration, exhibits, and proposed order to the following entities contemporaneously with completing this electronic filing:

KIRKLAND & ELLIS LLP
Attn: Winn Allen
1301 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Attn: Lee Zeldin
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

¹ Counsel for Climate United submitted the March 8 email message to Sunil Garg at sunil.garg@citi.com and Brent McIntosh at brent.mcintosh@citi.com. K. Winn Allen informed counsel for Climate United on Sunday, March 9, 2025 that he is representing Citibank in this matter.

ATTORNEY GENERAL OF THE UNITED STATES

Panela Bondi
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

UNITED STATES ATTORNEY FOR THE DISTRICT OF COLUMBIA

Edward R. Martin Jr.
c/o Civil Process Clerk
601 D. Street, N.W.
Washington, D.C. 20201

Dated: March 10, 2025

Respectfully submitted:

/s/ Adam G. Unikowsky

Gabriel K. Gillett (*pro hac vice* forthcoming)
JENNER & BLOCK LLP
353 N. Clark Street
Chicago, IL 60654
Tel.: (312) 222-9350

Adam G. Unikowsky (989053)
Kathryn L. Wynbrandt* (1602446)
David B. Robbins (493976)
Tanner J. Lockhead* (90011928)
JENNER & BLOCK LLP
1099 New York Avenue
Suite 900
Washington, D.C. 20001
Tel.: (202) 639-6000
Fax: (202) 639-6066
aunikowsky@jenner.com

* Application to Court pending.

Allison N. Douglis (*pro hac vice*
forthcoming)
JENNER & BLOCK LLP
1155 Avenue of the Americas
New York, N.Y. 10036
Tel.: (212) 891-1600
Fax: (212) 891-1699
adouglis@jenner.com

Attorneys for Plaintiff Climate United Fund

CERTIFICATE OF SERVICE

I hereby certify that on March 10, 2025, I filed the foregoing document with the Clerk of Court for the United States District Court for the District of Columbia using the court's CM/ECF filing system.

Further, I hereby certify that I have provided notice of this lawsuit by submitting via email message the foregoing document to the following recipients:

K. Winn Allen, Counsel for Citibank
Winn.Allen@kirkland.com

Lee Zeldin, Administrator, EPA
Zeldin.Lee@epa.gov

Eric J. Hamilton, Deputy Assistant Attorney General, Federal Programs Branch, DOJ
Eric.hamilton@usdoj.gov

Alex Haas, Co-Director, Federal Programs Branch, DOJ
Alex.haas@usdoj.gov

John Griffiths, Co-Director, Federal Programs Branch, DOJ
John.griffiths@usdoj.gov

In addition, I hereby certify that I have provided notice of this filing by submitting the foregoing document to the following entities at the addresses listed via Overnight Mail:

KIRKLAND & ELLIS LLP
Attn: Winn Allen
1301 Pennsylvania Avenue, N.W.,
Washington, D.C. 20004

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Attn: Lee Zeldin
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

ATTORNEY GENERAL OF THE UNITED STATES
Pamela Bondi
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

UNITED STATES ATTORNEY FOR THE DISTRICT OF COLUMBIA

Edward R. Martin Jr.
c/o Civil Process Clerk
601 D. Street, N.W.
Washington, D.C. 20201

/s/ Adam G. Unikowsky

Adam G. Unikowsky
JENNER & BLOCK LLP
1099 New York Avenue
Washington, D.C. 20001
Tel.: (202) 639-6000
Fax: (202) 639-6066
aunikowsky@jenner.com