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10 IN THE UNITED STATES DISTRICT COURT  
 11 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
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15 **California Department of Parks and**  
**Recreation,**

16 Plaintiff,

17 v.

18 **Sable Offshore Corp. and Pacific**  
**Pipeline Company,**

19 Defendant.  
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Case No. 2:26-cv-02946-WLH-MAA

**DEPARTMENT OF PARKS &  
 RECREATION'S MEMORANDUM  
 OF POINTS AND AUTHORITIES  
 IN SUPPORT OF MOTION FOR  
 PRELIMINARY INJUNCTION**

Date: April 24, 2026  
 Time: 1:30 p.m.  
 Courtroom: 9B  
 Judge: Hon. Wesley L. Hsu  
 Trial Date: Not Set  
 Action Filed: 3/17/2026  
 Date Removed: 3/19/2026  
 Filed/Concurrently Lodged with:  
 Declaration of Emma Siverson;  
 Declaration of Dena Bellman;  
 Declaration of David Flora; Proposed  
 Preliminary Injunction Order; Request  
 for Judicial Notice

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1 INTRODUCTION

2 Sable Offshore Corporation owns and operates Lines CA-324 and CA-325  
3 (formerly known as Lines 901 and 903), two onshore oil and gas pipelines that  
4 transport hazardous liquids from a processing facility on the Santa Barbara Coast  
5 inland to Kern County. A four-mile segment of Line CA-325 (the “Pipeline”) runs  
6 underground through Gaviota State Park, which the California Department of Parks  
7 and Recreation (State Parks) owns and operates. *See* Request for Judicial Notice  
8 (“RJN”), ¶ 2 and Ex. 2; Decl. of Dena Bellman (“Bellman Decl.”), ¶¶ 2-4 and Ex. A  
9 (map depicting the segment of the Pipeline that runs through the Park). State Parks  
10 previously granted an easement to Sable’s predecessor-in-interest to operate the  
11 Pipeline through Gaviota State Park. Bellman Decl. ¶5. That easement, however,  
12 expired in 2016, and neither Sable nor its predecessor-in-interest ever acquired a  
13 new easement. *Id.* Thus, Sable and its predecessors have not been authorized to  
14 transport oil through that portion of the Pipeline that runs through Gaviota State  
15 Park for nearly 10 years—and they have not done so, because that Pipeline was shut  
16 down following a catastrophic oil spill in 2015 at Refugio State Beach caused by  
17 the rupture of the immediately adjacent pipeline, Line CA-324, that connects to  
18 Line CA-325.

19 On or around March 16, 2026, Sable began transporting oil through the  
20 Pipeline without State Parks’ permission. Sable is therefore trespassing. On March  
21 21, 2026, State Parks employees observed erosion and the formation of a sinkhole  
22 depression in the land around the Pipeline, creating concerns that either the Pipeline  
23 restarting may be causing the earth to shift or that the earth is shifting around the  
24 Pipeline. This new condition creates a greater risk of pipeline failure within Gaviota  
25 State Park and increases the potential damage to Gaviota State Park if the newly  
26 restarted Pipeline fails. State Parks requests that the Court order Sable to cease  
27 trespassing on State Parks’ property.

28

1 The continued presence of the Pipeline is itself a trespass and has been since  
2 2016. But for purposes of seeking *preliminary* relief, State Parks requests only an  
3 order maintaining the status quo that existed until early last week: the pipeline  
4 sitting dormant without an easement, and not transporting oil through Gaviota State  
5 Park in the absence of any easement permitting such use of State Parks’ property.  
6 State Parks has satisfied the elements necessary to support issuing a preliminary  
7 injunction, namely that it is likely to succeed on its trespass claim, State Parks  
8 would be irreparably harmed without injunctive relief from the continual trespass,  
9 the balance of equities supports ordering Sable to cease its invasive operation, and  
10 the public interest supports protecting state sovereignty as well as a public park  
11 from the private invasion.

12 **STATEMENT OF FACTS**

13 **I. THE PREVIOUS EASEMENT ISSUED BY STATE PARKS TO SABLE’S**  
14 **PREDECESSOR-IN-INTEREST**

15 In August 1987, pursuant to Public Resources Code section 5012, State Parks  
16 granted an easement to Celeron Pipeline Company of California (“Celeron”) to  
17 “conduct, operate, maintain, and remove an underground pipeline together with its  
18 appurtenances for the transportation of hydrocarbon substances over, under, and  
19 across” a portion of Gaviota State Park. Bellman Decl., ¶ 5 and Ex. B at 1, and Exs.  
20 C & I. The pipeline referenced in the easement is the Pipeline. *Id.* The 30-year  
21 easement began on July 28, 1986, and expired on July 27, 2016. *Id.*

22 Celeron is Sable’s predecessor-in-interest. Bellman Decl., ¶ 6. Neither Sable  
23 nor any of its predecessors-in-interest acquired a new easement. *Id.* Sable therefore  
24 does not currently have an easement to transport oil under or across Gaviota State  
25 Park. *Id.*

26 **II. THE 2015 REFUGIO OIL SPILL**

27 In May 2015, a portion of Line 901 (now Line CA-324), which is connected  
28 directly to the Pipeline, ruptured and discharged approximately 120,000 gallons of

1 heavy crude-oil in Santa Barbara County. Oil reached the Pacific Ocean and coastal  
2 areas in the County, including Refugio State Beach. *See* RJN, Ex. 1 at 1.

3 Subsequently, in or around 2024, Sable acquired Lines CA-324 and CA-325.  
4 Bellman Decl., ¶ 7. No oil was transported through the Pipeline from the time of the  
5 spill to approximately March 16, 2026. *Id.* In March 2020, the prior owner, along  
6 with the United States, the State of California, and various State agencies, entered a  
7 Consent Decree that resolved litigation related to the oil spill, providing for  
8 damages, penalties, and restrictions on restart of the pipelines. RJN, Ex. 1.

9 **III. THE ANNUAL RIGHT OF ENTRY PERMITS ISSUED BY STATE PARKS TO**  
10 **SABLE AND ITS PREDECESSORS-IN-INTEREST**

11 Since 2016, State Parks has issued annual Right of Entry (“ROE”) permits to  
12 Sable’s predecessors-in-interest or companies affiliated with Sable that have  
13 allowed them to access Gaviota State Park to physically enter and perform minimal  
14 maintenance on the Pipeline. Bellman Decl., ¶¶ 8-9 and Ex. D at 1. Sable needs  
15 those permits because it does not have an easement for this purpose. *Id.*

16 State Parks issued the most recent annual ROE permit to PPC in July 2025  
17 (“Annual Permit”). The term of the Annual Permit began on July 27, 2025, and  
18 ends on July 26, 2026. Bellman Decl., ¶ 10 and Ex. E at 2. The Annual Permit  
19 states that “[a]ctivities related to any new or future projects, *including restarting*  
20 *Line 325* or constructing a new pipeline, *are not included in the Project and are not*  
21 *covered by this Right of Entry*. Instead, the parties are negotiating separate  
22 agreements regarding Permittee’s activities with respect to restarting Line 325,  
23 including any preliminary work required by any regulatory oversight agencies to be  
24 completed prior to restart.” Decl., ¶ 10 and Ex. E at 1, (emphasis added). The  
25 Annual Permit also provides that (1) State Parks “grants to [PPC] permission to  
26 enter upon State’s property, conditioned upon the agreement of the Parties that this  
27 Permit does not create or vest in [PPC] any interest” in Gaviota State Park; (2) PPC  
28 is permitted to enter the Park “for the purpose of pipeline maintenance and access

1 for existing Line 325 that is *currently subject to closure orders.*” (emphasis added)  
2 *Id.*

3 **IV. THE RIGHT OF ENTRY PERMIT ISSUED TO PPC IN MAY 2025 TO**  
4 **PERFORM ANOMALY DIGS**

5 In May 2025, State Parks issued a separate ROE permit to PPC that allowed it  
6 to perform eighteen (18) “anomaly” digs along the segment of the Pipeline that runs  
7 through Gaviota State Park. Bellman Decl., ¶ 11 and Ex. F. This was so PPC could  
8 expose the Pipeline in certain locations to allow a physical inspection of it and to  
9 determine if the Pipeline needed repairs. *Id.* The permit states that it “does not  
10 create or vest in [PPC] any interest” in Gaviota State Park, and that “[i]n no event  
11 shall this Permit authorize work in excess or contrary to the terms and conditions of  
12 any regulatory agency permit or approval. Under no circumstances, whether or not  
13 authorized by any regulatory agency, other permit or any person or entity other than  
14 State, shall work exceed that which is authorized by this Permit.” *Id.* at pp. 1, 4. In  
15 June 2025, PPC completed the digs. PPC did not, however, complete one of the  
16 conditions of the ROE permit that required PPC to rehabilitate (by way of  
17 reseeded) some of the dig areas, and remediate damage PPC caused to San Julian  
18 Road, located in Gaviota State Park. Bellman Decl., ¶ 11, Ex. G. The permit  
19 expired on August 8, 2025. *Id.*

20 **V. SABLE’S PENDING EASEMENT APPLICATION WITH STATE PARKS**

21 Since approximately April 2024, Sable has been attempting to obtain a new  
22 easement from State Parks that would allow Sable to restart the transportation of oil  
23 through the Pipeline. Siverson Decl., ¶¶ 2-3, Exs. I-J. In July 2024, Emma Siverson,  
24 Senior Staff Counsel at State Parks, sent an email to Lee Alcock, Sable’s Assistant  
25 General Counsel, and copied Stephen Laperouse, Vice President of Land at Sable,  
26 among others, stating that “Sable does not currently have a land right to use its  
27 pipeline at Gaviota State Park. *In order for Sable to restart the pipeline running*  
28 *through State Parks’ land, it needs an easement.* Last week we discussed that that

1 process is underway in that the applicable divisions of State Parks are aware that  
2 Sable wants an easement . . . .” (emphasis added) Decl. of Emma Siverson  
3 (“Siverson Decl.”), ¶ 2, Ex. J.

4 In May 2025, representatives of Sable met with representatives of State Parks  
5 and the California Department of General Services to discuss Sable’s interest in re-  
6 initiating its request for a pipeline easement through Gaviota State Park. Siverson  
7 Decl., ¶ 3. During the meeting, State Parks explained what Sable would need to do  
8 to apply for an easement, reiterating that Sable could not transport oil through the  
9 Pipeline until it obtained an easement from State Parks. *Id.* The following month,  
10 Ms. Siverson sent a letter to Mr. Alcock and Sable’s outside counsel that set forth  
11 the steps Sable would need to take to apply for an easement. *Id.*, ¶ 4. The letter also  
12 stated the following:

13 [O]n May 22, 2025, you requested that Sable be permitted to restart  
14 pipeline operations under an interim agreement, such as the existing  
15 ROE or an additional ROE. *State Parks is not able [to] authorize the*  
16 *restart under a ROE, and as we have discussed, the current annual ROE*  
*does not authorize restart.* The current annual ROE is simply a method  
of authorizing Sable general, minimal access to its offline pipeline.

17 A ROE is a license that authorizes physical, temporary access. *It does not*  
18 *authorize commencement of ongoing operations.* Ongoing operations of  
Sable’s pipeline include the very real potential that all of the resource  
impacts listed above could occur.

19 (emphasis added) Siverson Decl., ¶ 4, Ex. K at 5.

20 In July and December 2025, Ms. Siverson sent further emails to Sable’s  
21 counsel reiterating that the Annual Permit does not authorize Sable to restart the  
22 flow of oil through the Pipeline. *Id.*, ¶¶ 5-8, Exs. L & N.

23 On March 14, 2026, after media reports that Sable intended to restart use of  
24 the Pipeline without an easement, State Parks conveyed its formal denial of Sable’s  
25 requested easement and demanded Sable remove its Pipeline, pursuant to State  
26 Parks’ rights under the expired easement to demand removal. Bellman Decl., ¶ 12,  
27 Ex. H. State Parks provided a detailed rationale including recent property damage  
28

1 by Sable at Gaviota State Park. Sable does not currently have any easement rights  
2 or other property rights that would allow it to transport oil through Gaviota State  
3 Park.

4 On March 16, 2026, Sable announced that it had restarted the transportation  
5 of oil through the Pipeline, including through the segment that runs under Gaviota  
6 State Park. RJN, ¶ 2, Ex. 2; Bellman Decl., ¶ 4. Sable stated that it had restarted  
7 operations at the direction of the U.S. Secretary of Energy. *Id.* The Secretary’s  
8 order purporting to direct the restart of the Pipeline (the “Wright Order”), under the  
9 federal Defense Production Act (“DPA”), noted that the Secretary issued the  
10 Wright Order at Sable’s urging. RJN, ¶ 3, Ex. 3, fn.6.

## 11 VI. RECENT DEVELOPMENTS

12 On March 21, 2026, State Parks staff discovered a depression or sinkhole  
13 forming in the area of Gaviota State Park that runs along a portion of the Pipeline.  
14 See Decl. of David Flora (“Flora Decl.”), ¶¶ 5-11; Exs. O-R. It is unknown whether  
15 the restart of the Pipeline directly caused or contributed to the collapse in the  
16 ground overlying the Pipeline’s path. *Id.* ¶ 12. However, whether the Pipeline is  
17 directly causing the subsidence or not, further evaluation is needed both to  
18 determine how the Pipeline is impacting Gaviota State Park, and whether the  
19 observed depression at Gaviota State Park impacts the operation of the Pipeline. *Id.*  
20 ¶ 13. In the meantime, the reduced structural integrity of the land surrounding the  
21 Pipeline may create greater risk of rupture and risk of another catastrophic spill if  
22 the Pipeline were to rupture. Bellman Decl., ¶ 19. Additionally, as the Pipeline in  
23 this location is adjacent to a small creek that flows directly to Gaviota Creek, any  
24 spill would release the oil into the waterway, rapidly spreading contamination into  
25 Gaviota Creek, an important refuge for rare species. *Id.*

26 To date, efforts to contact Sable about this condition have not resulted in any  
27 Sable employees examining or attempting to determine the risk caused by the  
28 shifting land around the Pipeline. Bellman Decl., ¶¶ 20-23.

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## LEGAL STANDARD

“A plaintiff seeking a preliminary injunction must establish that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest.” *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008). In the Ninth Circuit, a plaintiff may also obtain a preliminary injunction under a “sliding scale” approach by raising “serious questions” going to the merits of plaintiff’s claims and showing that the balance of hardships tips “sharply” in plaintiff’s favor. *A Woman’s Friend Pregnancy Res. Clinic v. Becerra*, 901 F.3d 1166, 1167 (9th Cir. 2018).

## ARGUMENT

### I. STATE PARKS IS LIKELY TO SUCCEED ON THE MERITS

#### A. The Likelihood of Success on the Merits Relies on State Law

State Parks’ claims against Sable arise under California trespass and property law. Although Sable removed to federal court under 28 U.S.C. 1442(a) (asserting “federal officer” jurisdiction), this Court continues to “apply state substantive law” while applying “federal procedural law.” *Dugas v. 3M Co.*, 101 F. Supp. 3d 1246, 1250 (M.D. Fla. 2015); *Gasperini v. Ctr. for Humanities., Inc.*, 518 U.S. 415, 427 (1996).

#### B. State Parks Is Likely to Succeed on the Merits

“The first factor under *Winter* is the most important—likely success on the merits.” *Los Angeles Unified Sch. Dist. v. S&W Atlas Iron & Metal Co.*, 506 F. Supp. 3d 1018, 1033 (C.D. Cal. 2020). State Parks will likely succeed on the merits because it can demonstrate all the elements of civil trespass under California law: “(1) the plaintiff’s ownership or control of the property; (2) the defendant’s intentional, reckless, or negligent entry onto the property; (3) lack of permission for the entry or acts in excess of permission; (4) harm; and (5) the defendant’s conduct was a substantial factor in causing the harm.” *Id.* at 1035. “The essence of [a] cause

1 of action for trespass is an ‘unauthorized entry’ onto the land of another. Such  
2 invasions are characterized as intentional torts, regardless of the actor’s  
3 motivation.” *Civic W. Corp. v. Zila Indus., Inc.*, 66 Cal.App.3d 1, 16 (1977).

4 Trespass also occurs in instances where a party abuses permission to use land  
5 for a particular purpose or exceeds the granted permission. “Where one has  
6 permission to use land for a particular purpose and proceeds to abuse the privilege,  
7 or commits any act hostile to the interests of the lessor, he becomes a trespasser.”  
8 *Cassinovs v. Union Oil Co.* 14 Cal.App.4th 1770, 1780 (1993); *see also eBay, Inc. v.*  
9 *Bidder’s Edge, Inc.*, 100 F. Supp. 2d 1058, 1070 (N.D. Cal. 2000); *In re Brown*,  
10 No. 23-60035, 2024 WL 2127040, at \*1 (9th Cir. May 13, 2024). Further, damage  
11 “is not an essential element of a cause of action for trespass to real property” under  
12 California law. *Richards v. Dep’t of Bldg. Inspection of City & Cnty. of S.F.*, No.  
13 20-CV-01242-JCS, 2020 WL 3892859, at \*6 (N.D. Cal. July 10, 2020).

14 “[C]ausing subsurface migration of fluids into a mineral estate without  
15 consent constitutes a trespass.” (*Cassinovs, supra*, 14 Cal.App.4th at 1778; *see also*  
16 *Starrh & Starrh Cotton Growers v. Aera Energy LLC* 153 Cal.App.4th 583, 592  
17 (2007) [“Causing subsurface migration of oil field wastewater into a mineral estate  
18 (groundwater pore space) of another without that landowner’s consent is a trespass  
19 under California law”]. Under functionally equivalent Wisconsin law that  
20 recognizes trespass for intentionally entry onto land in the possession of another,  
21 the precise situation here—transporting hydrocarbons across someone else’s  
22 property without a valid easement—has been determined to be a trespass. *Bad River*  
23 *Band of Lake Superior Tribe of Chippewa Indians of Bad River Reservation v.*  
24 *Enbridge Energy Co. Inc.*, 626 F.Supp.3d 1030, 1040-1049 (W.D. Wis. 2022)  
25 (granting summary judgment in favor of Native American tribe on its trespass claim  
26 against company that operated oil and natural gas pipeline on tribe’s land, based on  
27 company’s continued operation of the pipeline without a valid easement).

28 The elements of trespass under California law are satisfied here. First, State

1 Parks controls the state park system and owns and operates Gaviota State Park. Cal.  
2 Pub. Res. Code §§ 5001(b), 5006(a); Bellman Decl., ¶ 1. As the owner of Gaviota  
3 State Park, State Parks has the right to the surface of the land at the Park and  
4 “everything permanently situated beneath or above it.” Cal. Civ. Code § 829; *see*  
5 *also id.* § 659.

6 Second, as Sable has admitted, Sable intentionally entered Gaviota State Park  
7 when it restarted oil flowing in the Pipeline, including the portion of the Pipeline  
8 that runs through Gaviota State Park. ECF No. 1 ¶11.

9 Third, Sable lacked permission to run its oil through the Pipeline within  
10 Gaviota State Park. Sable does not have a fee interest in any land at Gaviota State  
11 Park. Bellman Decl., ¶ 3. While Sable does have certain rights under the Annual  
12 Permit (which expires on July 26, 2026), those rights are limited to entering the  
13 park to inspect and minimally maintain the pipeline; they do not extend to the *use*  
14 of the long-dormant Pipeline, including transportation of oil, as State Parks has  
15 made clear to Sable on multiple occasions. *See* Bellman Decl., ¶¶ 8-10; Siverson  
16 Decl., ¶ 9 and Exs. D, E. Moreover, the fact that Sable has requested an easement  
17 from State Parks that would allow Sable to transport oil through Gaviota State Park  
18 shows that Sable recognizes that it does not currently have that right to use State  
19 Parks’ property in that way. By transporting oil through the Park without State  
20 Parks’ permission, Sable has committed and continues to commit a trespass.  
21 Accordingly, State Parks is likely to prevail on its trespass claim.

22 Although Sable has pointed to the Wright Order as justifying its restart, the  
23 Wright Order in no way authorizes trespass or grants Sable any fee interest in any  
24 land at Gaviota State Park. RJN, ¶ 3, Ex. 3 at 3 (directing Sable to prioritize “orders  
25 and contracts”.) The Wright Order does not purport to exercise federal eminent  
26 domain authority, and it does not (and cannot) grant Sable any legal interest in State  
27 Parks’ property. Nor does the federal Defense Production Act provide that the  
28 federal government may permit or compel a company to trespass or encroach upon

1 another party’s property against the owner’s will, let alone a sovereign state’s  
2 property.<sup>1</sup> Thus, nothing about the federal government’s startling action alters State  
3 Parks’ likelihood of success here.

4 Finally, Sable’s trespass into Gaviota State Park is harming State Parks’  
5 ability to control its property, caused past damage to Gaviota State Park, and  
6 harmed State Parks’ ability to evaluate the potential environmental impacts of  
7 running oil through the Pipeline.<sup>2</sup> Sable is running oil through State Parks’  
8 property, interfering with State Parks’ full enjoyment of Gaviota State Park.  
9 Bellman Decl., ¶¶ 5, 8-10; Siverson Decl., ¶ 9 and Exs. B-E. Accordingly, State  
10 Parks demonstrated a clear likelihood of success on the merits.

11 **II. THERE IS A GRAVE RISK OF IMMINENT, IRREPARABLE HARM**

12 Ample evidence shows State Parks will suffer irreparable injury in the  
13 absence of an injunction. *See Winter*, 555 U.S. at 20. Sable’s conduct need not be  
14 the exclusive cause of injury. *M.R. v. Dreyfus*, 697 F3d 706, 728-729 (9th Cir.  
15 2015). Nor must the alleged harm be certain to occur before a court can grant a  
16 preliminary injunction. *Michigan v. U.S. Army Corps of Eng’rs* 667 F3d 765, 788  
17 (7th Cir. 2011). Plaintiffs need show a “sufficient causal connection” between  
18 Defendants’ conduct and Plaintiffs’ injury that can only be addressed by an  
19 injunction. *City & Cnty. of S.F. v. U.S. Citizenship & Immigr. Servs.*, 408  
20 F.Supp.3d 1057, 1121 (N.D. Cal. 2019).

21 Plaintiffs will suffer several types of irreparable harm in the absence of  
22 preliminary relief. Sable’s trespass has impeded State Parks’ ability to steward and  
23 manage Gaviota State Park, raising questions about environmental protection as

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24 <sup>1</sup> Even if the Wright Order were a lawful exercise of delegated power under  
25 the DPA—a point the State of California is contesting in *State of California v.*  
26 *Wright, et al.*, No. 3:26-cv-02500 (N.D. Cal. filed Mar. 23, 2026)—that Act merely  
27 holds defense contractors harmless for damages or penalties in the course of  
28 complying with DPA orders. *See* 50 U.S.C. § 4557. It does not confer defense  
contractors with *carte blanche* to commit intentional torts like trespass. *See U.S. v.*  
*Vertac Chem. Corp.*, 46 F.3d 803, 812 (8th Cir. 1995).

<sup>2</sup> State Parks also suffered severe property damage at its separate property,  
Refugio State Beach, because of the 2015 Refugio Oil Spill discussed earlier.

1 well as public and staff safety. Sable’s restart deprives State Parks of its ability to  
2 conduct necessary environmental analysis, fully evaluate the potential physical  
3 harms, and take steps to avoid or minimize those harms including to coastal  
4 resources, sensitive species and water quality *before* a project is implemented.  
5 Finally, State Parks will likely suffer physical harm, including harm consistent with  
6 the harm recently incurred in the course of Sable’s destructive conduct under the  
7 guise of pipeline maintenance activities and anomaly digs. Bellman Decl. ¶12. Each  
8 of these distinct harms independently support finding that Plaintiff has  
9 demonstrated irreparable harm in the absence of an injunction.

10 **A. There is Irreparable Harm to State Parks’ Enjoyment and**  
11 **Possession of the Land in Gaviota State Park**

12 The harm to State Parks’ ability to conduct environmental review before  
13 project implementation, manage easements through its property, and control the  
14 operations to ensure Gaviota State Park is safe is particularly salient given that State  
15 Parks is acting in its capacity as a property owner. “It is well-established that the  
16 loss of an interest in real property constitutes an irreparable injury.” *Park Village*  
17 *Apts. Tenants Ass’n v. Mortimer Howard Trust*, 636 F.3d 1150, 1159 (9th Cir.  
18 2011). Uninvited intrusion onto sovereign lands also constitutes irreparable harm.  
19 *See Bad River Band*, 626 F.Supp.3d at 1056 (court affirmed Native American tribe  
20 submitted ample evidence of irreparable harm, including concerns of potential  
21 environmental impacts as well as impact to the enjoyment and sovereign possession  
22 of land threatened by trespass); *see also Pelfresne v. Vill. of Williams Bay*, 865 F.2d  
23 877, 883 (7th Cir. 1989) (“As a general rule, interference with the enjoyment or  
24 possession of land is considered ‘irreparable’ since land is viewed as a unique  
25 commodity for which monetary compensation is an inadequate substitute.”); *Union*  
26 *Oil Co. of Cal. v. Domengeaux*, 30 Cal. App. 2d 266, 271 (1939); *M.F. Farming*  
27 *Co. v. Couch Distrib. Co.*, 207 Cal. App. 4th 180, 202 (2012), *disapproved of on*  
28 *other grounds by Baral v. Schnitt*, 1 Cal. 5th 376 (2016) (“An injunction is [ ] a

1 proper remedy for misuse or excessive use of an easement.”).

2 **1. The Continuous Trespass Interferes with Possession and**  
3 **Enjoyment of Gaviota, Causing Irreparable Harm**

4 “When a trespass is continuous such that stopping it would require a  
5 multiplicity of suits, an injunction is justified because monetary relief is  
6 inadequate.” *Texas v. U.S. Dep’t of Homeland Sec.*, 123 F.4th 186, 212 (5th Cir.  
7 2024) (citing *Donovan v. Pa. Co.*, 199 U.S. 279, 304-05 (1905)); accord *United*  
8 *States v. Zenon*, 711 F.2d 476, 478 (1st Cir. 1983) (“A court has power to enjoin a  
9 trespass . . . if there are *repeated* instances of trespassing, and a single injunction  
10 might forestall a ‘multiplicity’ of legal actions.”). The same is true under California  
11 trespass law: “A trespass of a continuing nature, whose constant recurrence renders  
12 the remedy at law inadequate, unless by a multiplicity of suits, affords sufficient  
13 ground for relief by injunction.” *Donahue Schriber Realty Grp., Inc. v. Nu Creation*  
14 *Outreach*, 232 Cal. App. 4th 1171, 1184 (2014) (internal citations and quotations  
15 omitted).<sup>3</sup> Sable is willfully pumping oil through Gaviota State Park without an  
16 easement to conduct this operation on State Parks’ property. State Parks seeks to  
17 stop the continuing trespass, thereby preventing repeated instances of trespassing  
18 that would cause a multiplicity of actions.

19 Neither Sable nor its predecessors had an easement or any other property  
20 right authorizing transportation of oil under Gaviota State Park for nearly 10 years,  
21 and Sable was actively seeking to negotiate a new easement at the time it  
22 announced that it had instead decided to simply begin occupying State Parks’  
23 property without permission. Accordingly, and pursuant to the authorities cited  
24 above, State Parks does not have an adequate remedy at law and injunctive relief is

25 <sup>3</sup> Per California law, “a trespass may be continuing or permanent. [Citation.]  
26 A permanent trespass is an intrusion on property under circumstances that indicate  
27 an intention that the trespass shall be permanent.” *Starrh, supra*, 153 Cal. App. 4th  
28 583, 592 (2007). “In contrast, a continuing trespass is an intrusion under  
circumstances that indicate the trespass may be discontinued or abated.” *Id.* Here,  
because Sable’s transportation of oil through the Pipeline can be discontinued at  
any time, Sable’s conduct constitutes a continuing trespass.

1 therefore an appropriate remedy.

2 **2. The Continuous Trespass Will Likely Cause Physical**  
3 **Damage to Gaviota, Further Interfering with State Parks’**  
4 **Possession, Constituting Irreparable Harm.**

5 Property rights generally confer the irreplaceable right to “enjoy and  
6 possess,” which is unique to the land, making any monetary compensation  
7 inherently inadequate. *Harris v. Cnty. of Riverside*, 904 F.2d 497, 503 (9th Cir.  
8 1990); *Pelfresne*, 865 F.2d at 883. Trespass to another’s land infringes on the  
9 property owner’s possession and enjoyment of its land. *Gill v. LDI*, 19 F. Supp. 2d  
10 1188, 1198 (W.D. Wash. 1998); *accord*, *Apartment Tenants Ass’n v. Mortimer*  
11 *Howard Tr.*, 636 F.3d 1150, 1159 (9th Cir. 2011) (“loss of an interest in real  
12 property constitutes an irreparable injury.”). Further, “[e]nvironmental injury, by its  
13 nature, can seldom be adequately remedied by money damages and is often  
14 permanent or at least of long duration, *i.e.*, irreparable.” *Amoco Prod. Co. v. Village*  
15 *of Gambell, AK*, 480 U.S. 531, 545 (1987). Ongoing environmentally risky  
16 activities constitute irreparable harm for the simple reason that, without a  
17 preliminary injunction, they “cannot be remedied easily or at all.” *League of*  
18 *Wilderness Defenders/Blue Mountains Biodiversity Project v. Connaughton*, 752  
19 F.3d 755, 764 (9th Cir. 2014). And tortious conduct that creates a demonstrated risk  
20 to health and safety can constitute irreparable harm. *See, Shell Offshore Inc. v.*  
21 *Greenpeace*, 864 F.Supp.2d 839, 851 (D. Alaska 2012).

22 Sable’s trespass burdens State Parks’ use of its property because it deprives  
23 State Parks of typical contractual protections governing the allocation of  
24 responsibility between a landowner and an easement holder. While Sable may offer  
25 assurances that it intends to use the Pipeline to safely transport oil and that no harm  
26 will arise, Sable’s assurances hold little water with State Parks in light of the  
27 pipelines’ history of contamination and Sable’s failure to comply with prior  
28 contractual terms, its current lack of responsiveness, and its decision to trespass  
despite clear warning that it lacks permission to resume use of State Parks’s

1 property in this manner.

2 State Parks relies on the agencies with expertise in pipeline safety  
3 management in evaluating whether to grant an easement for a pipeline across State  
4 Parks property. Here, State Parks typically rely on regulatory approvals issued by  
5 the Office of the State Fire Marshal (“OSFM”), the State pipeline safety  
6 management agency. Bellman Decl, ¶ 13. Although OSFM issued certain “State  
7 Waivers,” a set of conditional regulatory approvals, to Sable, Sable has to date not  
8 fully complied with them, and Sable subsequently “abandoned” those waivers,  
9 asserting that a federal pipeline safety agency now regulates pipelines CA-324 and  
10 CA-325. RJN ¶4, Ex. 4. Sable’s temporary federal pipeline safety permit expired,  
11 no full federal pipeline safety permit has been formally issued, and the federal  
12 agency has since suggested that Sable *may* not even require a pipeline safety permit  
13 to continue its operations. RJN ¶¶5-8, Ex. 5-8. Considering this rapidly devolving  
14 landscape, including the recent federal pipeline safety “non-enforcement policy,”  
15 State Parks is uncertain whether *any* permits are in place currently that ensure the  
16 safe operation of the Pipeline. Bellman Decl., ¶¶ 16-17; RJN¶¶ 4-8, Exs. 4-8.  
17 Lacking any ability to rely on a validly issued permit from a pipeline safety  
18 management agency, State Parks cannot determine whether the portions of Gaviota  
19 State Park through which the Pipeline runs are safe to use.

20 The other mechanism State Parks employs to ensure safety when it allows an  
21 easement for a pipeline is its contracting power. When State Parks previously  
22 allowed use of its property at Gaviota State Park for an oil pipeline, that agreement  
23 (the Expired Easement) included basic property owner and public access  
24 protections. Bellman Decl., ¶ 5, Ex.B. Specifically, within the Expired Easement,  
25 State Parks insisted on the following required conduct by the pipeline operator: (1)  
26 operator shall notify Parks immediately should any oil spill occur (*id.*, §12); (2)  
27 operator shall maintain liability insurance (*id.*, §13); and (3) operator is required to  
28 commit to a variety of coordination mechanisms to ensure that construction and

1 related activities minimize safety and inconvenience to Park operations (*id.*, §16;  
2 *see also id.*, §§18, 20, 22). Sable and State Parks were negotiating such an easement  
3 when Sable stopped communicating with State Parks and started transporting oil  
4 without permission. Siverson Decl., ¶¶ 2-10. Like a squatter, Sable has taken full  
5 use of State Parks’ property for free, leaving State Parks without any protections or  
6 source of information about what is happening on its property, potentially without  
7 the protection of liability insurance, and no recourse other than to the courts.

8 Sable’s rogue conduct exposes State Parks to tremendous risk as a property  
9 owner. Sable’s history and current actions forced State Parks to risk irreparable  
10 harm from its inability to know, at the present time, if the Pipeline is being safely  
11 operated: State Parks’ concerns are rooted in the above-discussed unclear status of  
12 the pipeline safety permit, lack of contractual protections caused by trespass,  
13 history of physical damage to Gaviota State Park, and recent erosion yet-to-be  
14 addressed by Sable. Bellman Decl. ¶¶ 16-23. All the above factors emphasize the  
15 importance for State Parks to be able to control whether operations continue on  
16 State Parks’ own property.

17 **B. There is Irreparable Harm to State Parks’ Ability to Conduct**  
18 **Environmental Review**

19 Sable’s self-help remedy of restarting the Pipeline without obtaining State  
20 Parks’ approval to transport oil through its land also harms the public interest by  
21 circumventing State Parks’ ability to conduct environmental review through the  
22 public, transparent process required by California law. The purpose of such  
23 environmental review, under both federal and state law, is to require public entities  
24 to assess and, if feasible, mitigate or avoid significant environmental impacts that  
25 would result from a proposed project *before* the project impacts begin. *Tulare Lake*  
26 *Canal Co. v. Stratford Pub. Util. Dist.*, 92 Cal.App.5th 380, 410 (2023). Here, the  
27 “project” requiring environmental review under California law is State Parks’  
28 decision whether to allow Sable’s restart of the Pipeline through Gaviota State

1 Park. Sable’s restart of the Pipeline has stripped State Parks of its ability to conduct  
2 meaningful environmental review, creating undue risk of harm to Gaviota State  
3 Park.

4 Federal courts recognize the importance of agencies completing  
5 environmental review prior to approving action that may adversely affect the  
6 environment, and the implied environmental harm from a failure to conduct  
7 evaluations under the National Environmental Policy Act (NEPA), in many ways  
8 an analogue to the California Environmental Quality Act (CEQA). *See High Sierra*  
9 *Hikers Ass’n v. Blackwell*, 390 F.3d 630, 642 (9th Cir. 2004) (“[I]rreparable injury  
10 flows from the failure to evaluate the environmental impact of a major federal  
11 action....”); *accord ForestKeeper v. Elliott*, 50 F. Supp. 3d 1371, 1387 (E.D. Cal.  
12 2014); *Colorado Wild Inc. v. U.S. Forest Serv.*, 523 F. Supp. 2d 1213, 1221 (D.  
13 Colo. 2007) (preliminary injunction favored by district court to halt developments,  
14 recognizing difficulties in reversing once “momentum” sets in); *Save Strawberry*  
15 *Canyon v. Dep’t of Energy*, 613 F. Supp. 2d 1177, 1189 (N.D. Cal. 2009), *adhered*  
16 *to*, No. C 08-03494 WHA, 2009 WL 1098888 (N.D. Cal. Apr. 22, 2009) (district  
17 court found failure to conduct proper NEPA evaluation deprived the plaintiff of a  
18 meaningful involvement in procedures in time to prevent adverse environmental  
19 impact); *see Alliance for Wild Rockies v. Cottrell*, 632 F.3d 1127, 1137-38 (9th Cir.  
20 2011).

21 The same need to conduct environmental review applies here, as does the  
22 inevitable conclusion of irreparable harm for action following inadequate  
23 evaluations. CEQA informs public agencies “about the potential, significant  
24 environmental effects of proposed activities” in advance of undertaking them. Cal.  
25 Code Regs., title 14, § 15002, subd. (a); *see also* Cal. Pub. Res. Code § 21002. To  
26 that end, CEQA provides that “[w]henever any person applies to any public agency  
27 for a lease, permit, license, certificate, or other entitlement for use, the public  
28 agency may require that person to submit data and information that may be

1 necessary to enable the public agency to determine whether the proposed project  
2 may have a significant effect on the environment or to prepare an environmental  
3 impact report.” Cal. Pub. Res. Code § 21160(a); *see also Tulare Lake Canal Co. v.*  
4 *Stratford Pub. Util. Dist.*, 92 Cal.App.5th 380, 410 (2023) (“CEQA requires a  
5 private person to disclose information about a proposed activity if that person  
6 ‘applies to any public agency for a . . . permit . . . or other entitlement for use’ . . .  
7 because an agency needs an accurate and complete description of the activity before  
8 it can comply with CEQA and approve the entitlement.”).

9 Like the request for the permits in *High Sierra*, Sable’s request for an  
10 easement triggered State Parks’ duty to obtain information, and Sable’s obligation  
11 to provide information, regarding the potential environmental impacts of the  
12 activities covered by the easement. Siverson Decl., ¶ 6; *see High Sierra Hikers*  
13 *Ass’n*, 390 F.3d at p. 641. State Parks conducted a preliminary review of Sable’s  
14 easement request and determined that it would be a discretionary project under  
15 CEQA and that it is not exempt from CEQA. Siverson Decl., ¶ 6. Sable has not  
16 satisfied all of State Parks’ requests from Sable for information generally, including  
17 information required for the CEQA process, and the CEQA process is not complete.  
18 *Id.*

19 Because Sable has not submitted a complete project description, and because  
20 State Parks has not completed its CEQA review of an easement, State Parks does  
21 not currently have the information necessary to determine whether an easement will  
22 have a significant effect on the environment. Siverson Decl., ¶ 6. By transporting  
23 oil through the Pipeline before State Parks’ completion of its review of the  
24 easement request, Sable has prevented State Parks from complying with its legal  
25 obligations under CEQA. Siverson Decl., ¶ 6; *see High Sierra Hikers Ass’n, supra*,  
26 390 F.3d at 641. That constitutes irreparable harm. *Id.*

27 Sable’s use of the Pipeline creates an undue risk of harm to the environment  
28 that will significantly interfere with State Parks’ use and enjoyment of Gaviota

1 State Park. The inadequate CEQA evaluations, the recent sinkhole around the  
2 Pipeline, and the history of prior incidents (both the damage Sable caused during  
3 recent pipeline maintenance, *infra*, and the 2015 Refugio Oil Spill) make this risk  
4 significant, and potentially conceals this harm until it is irreparable. Thus,  
5 injunction is a vital remedy.

6 **III. THE BALANCE OF EQUITIES TIP SHARPLY IN FAVOR OF A PRELIMINARY**  
7 **INJUNCTION**

8 When evaluating the balance of equities, “a court must consider the impact  
9 granting or denying a motion for a preliminary injunction will have on the  
10 respective enterprises.” *Int’l Jensen, Inc. v. Metrosound U.S.A., Inc.*, 4 F.3d 819,  
11 827 (9th Cir. 1993). Among other things, “by establishing a likelihood of success  
12 on the merits,” a plaintiff “establish[es] that both the public interest and the balance  
13 of the equities favor a preliminary injunction.” *Ariz. Dream Act. Coal. v. Brewer*,  
14 757 F.3d 1053, 1069 (9th Cir. 2014).

15 The balance of equities tips sharply in State Parks’ favor. The only hardship  
16 that Sable would incur if the Court issues a preliminary injunction is the cessation  
17 of tortious activity, which means the balance of equities supports interim injunctive  
18 relief. *See Shell Offshore Inc. v. Greenpeace, Inc.*, 864 F.Supp.2d 839, 851-52 (D.  
19 Alaska 2012) (balance of equities tipped in favor of enjoining trespass because  
20 trespass is wrongful); *DISH Network L.L.C. v. DelVecchio*, 831 F.Supp.2d 595,  
21 601-602 (W.D.N.Y. 2012) (“The only hardship to Defendant from this injunction  
22 would be to prevent him from engaging in further illegal activity, so the balance  
23 clearly weighs in Plaintiffs’ favor.”). The bottom line is that, because its conduct is  
24 tortious, Sable has no protectable interest at stake here. *See U.S. v. Diapulse Corp.*  
25 *of America*, 457 F.2d 25, 29 (2d Cir. 1972).

26 *Shell Offshore* is instructive, and it adheres to the weight of authority finding  
27 that a party opposing a preliminary injunction has no legitimate interest in  
28 continuing unlawful activity. *See, e.g., Disney Enters., Inc. v. VidAngel, Inc.*, 869

1 F.3d 848, 867 (9th Cir. 2017); *Samsung Elec. Co., Ltd. v. Early Bird Sav.*, Case No.  
2 13–CV–3105–BEN (DHB), 2014 WL 324558 at \*3 (S.D. Cal. Jan. 27, 2014);  
3 *United States v. Rx Depot, Inc.*, 290 F.Supp.2d 1238, 1248 (N.D. Okla. 2003) (“The  
4 defendants have no vested interest in an illegal business activity.”) In *Shell*  
5 *Offshore*, the District of Alaska enjoined Greenpeace’s tortious trespass of Shell’s  
6 vessels on federally managed oil and gas leases, holding that, to the extent  
7 Greenpeace’s “competing interests ... are illegal and tortious activities, the balance  
8 of equities *undoubtedly* tips to Shell.” *Shell Offshore*, 864 F.Supp.2d at 851  
9 (emphasis added). There, Greenpeace opposed the preliminary injunction on the  
10 grounds that it would infringe on its First Amendment rights. *Id.* at 851-52. The  
11 court acknowledged the importance of Greenpeace’s First Amendment interest in  
12 protesting Shell’s operations, but that interest only went so far “as such protest is  
13 done in a manner consistent with the law.” *Id.* at 852. Although the court  
14 acknowledged that a preliminary injunction could burden Greenpeace’s federally  
15 protected First Amendment rights, it nevertheless concluded that the balance of  
16 equities favored the issuance of the injunction. *Id.*

17 Here, Sable may have a pecuniary interest in transporting oil through the  
18 Pipeline, but that interest ends where the activity becomes tortious and unlawful—it  
19 ends where State Parks’s property rights begin. And Sable’s transporting of oil  
20 across Gaviota State Park is tortious under California law because Sable lacks  
21 permission from the property owner. *Supra* I.B.

22 Sable knows this. By applying for an easement from State Parks that would  
23 allow Sable to restart operations, Sable acknowledged that it does not have the right  
24 to transport oil through the Pipeline. And State Parks informed Sable that the  
25 Annual Permit to enter the park to maintain the Pipeline did not authorize Sable to  
26 transport oil through Gaviota State Park. *See* Bellman Decl., ¶¶ 8-10; Siverson  
27 Decl., ¶ 9 and Exs. D & E. Given the flagrancy of Sable’s encroachment, the  
28

1 balance of hardships clearly tips in favor of issuing an injunction. *See Shell*  
2 *Offshore*, 864 F.Supp.2d at 851-52.

3 State Parks’ interest in mitigating or avoiding the potential adverse  
4 environmental impacts also supports an injunction. Preventing irreparable harm to  
5 the environment, and protecting the procedural rights of plaintiffs, will outweigh  
6 the pecuniary interest in creating such harm. *See Wild Rockies*, 632 F.3d at 1137-  
7 38. In *Wild Rockies*, the defendant’s failure to comply with applicable federal laws  
8 prevented the plaintiff from participating in an administrative appeals process that  
9 could have resulted in significant changes to the proposed project. *Id.* Here, Sable’s  
10 exercise of self-help has precluded State Parks from conducting environmental  
11 review for the purpose of identifying, mitigating, and avoiding potential impacts to  
12 Gaviota State Park resulting from Sable’s use of the Pipelines. That harm  
13 outweighs Sable’s pecuniary interest in the Pipeline, as Sable’s use of the Pipeline  
14 is unlawful. *See Disney Enters.*, 869 F.3d at 867.

#### 15 **IV. THE PUBLIC INTEREST FAVORS A PRELIMINARY INJUNCTION**

16 The public interest favoring the issuance of an injunction must “outweigh  
17 other public interests that cut in favor of *not* issuing the injunction.” *Wild Rockies*,  
18 632 F.3d at 1138 (original italics). Here, an injunction would advance the public  
19 interest on net for three reasons.

20 *First*, enjoining tortious activity always advances the public interest. *See*,  
21 *e.g.*, *Shell Offshore*, 864 F.Supp.2d at 853 (“The public interest is not disserved by  
22 an injunction that precludes illegal or tortious conduct.”). Here, Sable’s transfer of  
23 oil through the Gaviota State Park constitutes a clear, willful trespass on State  
24 Parks’ property, which means Sable is committing an intentional tort to the  
25 detriment of State Parks’ property interests. The public interest is served by  
26 enjoining unpermitted trespass on public property.

27 *Second*, the Ninth Circuit has recognized that the public interest favors  
28 “careful consideration of environmental impacts before” projects go forward, such

1 that suspending “such projects until that consideration occurs ‘comports with the  
2 public interest.’” *Wild Rockies*, 632 F.3d at 1138 (quoting *S. Fork Band Council of*  
3 *W. Shoshone of Nevada v. U.S. Dep’t of Interior*, 588 F.3d 718, 728 (9th Cir.  
4 2009)). Without an injunction, State Parks will continue to shoulder the risk of  
5 Sable’s unlawful conduct, and it will have to do so without being adequately  
6 informed as to the nature and extent of that risk.

7 *Third*, although State Parks’s position is that the Wright Order and DPA  
8 afford Sable no right to trespass (see *supra* I.B.), if that is incorrect and the Wright  
9 Order did purport to authorize trespass, then , an injunction would prevent a  
10 sovereign State’s resources (here, state-owned land) from being unconstitutionally  
11 commandeered at the instigation of the federal government. *See generally* *Murphy*  
12 *v. Nat’l Collegiate Athletic Ass’n*, 584 U.S. 453, 472 (2018); *United States v.*  
13 *California*, 921 F.3d 865, 889 (9th Cir. 2019). The Tenth Amendment allows  
14 California to administer its state lands to meet state goals—including forbidding  
15 Sable’s trespass. An injunction will thus prevent injury to California’s  
16 constitutional interests. That serves the public interest. *See* *Baird v. Bonta*, 81 F.4th  
17 1036, 1048 (9th Cir. 2023). California retains a constitutional prerogative to decline  
18 to help Sable implement a federal program.

## 19 **V. THE COURT SHOULD NOT REQUIRE A BOND FROM STATE PARKS**

20 “Rule 65(c) invests the district court ‘with discretion as to the amount of  
21 security required, if any.’” *Johnson v. Couturier*, 572 F.3d 1067, 1086 (9th Cir.  
22 2009). Moreover, “[a]lthough the rule speaks in mandatory terms, an exception to  
23 the bond requirement has been crafted for [...] cases involving the enforcement of  
24 ‘public interests’ arising out of ‘comprehensive federal health and welfare  
25 statutes.’” *Pharm. Soc’y of State of New York, Inc. v. New York State Dep’t of Soc.*  
26 *Serv.*, 50 F.3d 1168, 1174 (2nd Cir. 1995) (citation omitted); *accord*, *Env’t*  
27 *Democracy Project v. Green Sage Mgmt., LLC*, No. 22-CV-03970-JST, 2022 WL  
28 4596616, at \*4 (N.D. Cal. Aug. 23, 2022).



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**CERTIFICATE OF COMPLIANCE**

The undersigned, counsel of record for Plaintiff California Department of Parks and Recreation, certifies that this brief contains 6,993 words, which:

  X   complies with the word limit of L.R. 11-6.1.

Dated: March 27, 2026

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