

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

ALLIANCE FOR AUTOMOTIVE
INNOVATION

Plaintiff,

vs.

MAURA HEALEY, ATTORNEY GENERAL
OF THE COMMONWEALTH OF
MASSACHUSETTS in her official capacity,

Defendant.

C.A. No. 1:20-cv-12090-DPW

PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION

Pursuant to Rule 65(a) of the Federal Rules of Civil Procedure, Plaintiff Alliance for Automotive Innovation (“Auto Innovators”), whose members include virtually all of America’s vehicle manufacturers, respectfully moves for a preliminary injunction against the enforcement of Massachusetts SD645 (“the Data Law”), recently passed by ballot initiative and codified at Chapter 93K of the Massachusetts General Laws when the election results were certified on November 18, 2020. The Data Law is unconstitutional because it is preempted by federal law. By requiring auto manufacturers to eliminate existing cybersecurity controls that protect core vehicle functions and thereby ensure the safe operation of vehicles within prescribed emissions limits, the Data Law conflicts with the requirements, purposes, and objectives of the federal National Traffic and Motor Vehicle Safety Act (the “Vehicle Safety Act”), 49 U.S.C. § 30101, *et seq.*, and the Clean Air Act, 42 U.S.C. § 7401, *et seq.*

In support of this Motion, Auto Innovators relies on the accompanying Memorandum of Law, the Declarations of Charles Haake, Esquire (with exhibits), and the automobile manufacturer

declarations filed herewith. For the convenience of the Court, a proposed Order of Preliminary Injunction is attached here as Exhibit A.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(d), Auto Innovators respectfully requests oral argument on this Motion for Preliminary Injunction. Because the law Auto Innovators seeks to enjoin is scheduled to take effect on December 18, 2020, Auto Innovators respectfully requests oral argument on December 17, 2020, or as soon thereafter as the Court's schedule permits.

Respectfully submitted,

ALLIANCE FOR AUTOMOTIVE INNOVATION

By its attorneys,

/s/ Laurence A. Schoen

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LOCAL RULE CERTIFICATION

Pursuant to Local Rule 7.1(a)(2), counsel for Plaintiff certifies that they conferred with counsel for Defendant in a good faith effort to resolve or narrow the issues raised by this Motion, but were unable to resolve the issues raised.

/s/Laurence A. Schoen
Laurence A. Schoen

CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing pleading was filed electronically through the Court's electronic filing system and that notice of this filing will be sent to all counsel of record in this matter by operation of the Court's ECF system and to non-registered users by first class mail.

Dated: December 1, 2020

/s/Laurence A. Schoen
Laurence A. Schoen