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Attorneys for Plaintiffs and the Proposed Class

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

NEETA THAKUR, et al., Plaintiffs, vs. DONALD J. TRUMP, et al., Defendants.	Case No. 3:25-cv-04737-RL **DECLARATION OF CLAUDIA POLSKY IN SUPPORT OF PLAINTIFFS' COMBINED MOTION FOR SUMMARY JUDGMENT AND CLASS CERTIFICATION** Judge: The Honorable Rita F. Lin Hearing Date: October 20, 2026 Hearing Time: 10:00 AM Courtroom: 4 – 17th Floor

I, Claudia Polsky, declare as follows:

1. I am an attorney duly admitted to practice before this Court. I am a Clinical Professor of Law at the University of California, Berkeley and the founding Director of its Environmental Law Clinic. I am one of the attorneys of record for Plaintiffs and the Proposed Classes. I have personal knowledge of the facts set forth herein. If called as a witness, I could and would competently testify to the matters stated. I make this declaration in support of Plaintiffs' Combined Motion for Summary Judgment and Class Certification.

2. In the months since submitting my Declaration in Support of Plaintiffs' Motion for Preliminary Injunction as to the Department of Energy (DOE) in November 2025 (Dkt. No. 160), I have continued to be plaintiffs' counsel's point person for obtaining information on DOE's termination of grants to UC researchers, and for negotiating the parties' *Stipulations and Agreement to Obviate Discovery as to DoE and DoE's Stipulations of Fact and Agreement to Produce Grants* ("Stipulations"). These Stipulations were signed in May 2026 (*see* Exhibits F(1)-F(3) to the Declaration of Kyle A. McLorg, filed with this Declaration).

3. I have analyzed the terminated grants spreadsheet that DOE produced in June 2026 pursuant to the Stipulations, and used this and other data to identify and interview multiple Principal Investigators (PIs) on terminated DOE grants or sub-awards to UC. The purpose of these interviews was to (a) confirm the fact of grant termination, and (b) learn the roles of research team members in DOE-funded projects, and the impact of grant terminations on individual researchers who were not identified in grant applications.

4. These PI interviews have made clear that (a) PhD candidates and postdoctoral researchers were significant scientific contributors to the projects supported by now-terminated DOE awards; (b) these researchers brought unique knowledge, skills, and experience, as exemplified by their sometimes lead-author status on research teams' publications; (c) these scientists' roles were contemplated in the budget for grant applications, and are reflected in grant reporting, irrespective of whether they are identified by name; and (d) these individuals were harmed financially, professionally, or both by the termination of their research team's DOE grant in October 2025.

5. I attach true and correct copies of my email correspondence with PIs at three UC campuses regarding the significant impact of DOE grant terminations on members of their grant-funded research teams. My correspondence with Dr. Jeffrey Long of UC Berkeley is **Exhibit A** hereto. My correspondence with Dr. Iryna Zenyuk of UC Irvine is **Exhibit B** hereto. My correspondence with Dr. Vinod Narayana of UC Davis is **Exhibit C** hereto. Each exhibit contains relevant attachments whose authenticity the e-correspondence confirms.

6. In Exhibit A, Dr. Long confirms that DOE terminated grant EE0010499, which pertained to recovering critical materials from spent photovoltaic cells. The grant was for $500,000 annually for three years ($1.5 million total). The termination affected Dr. Long and a minimum of three UC research team members, and three additional current UC PhD students. Exhibit A explains the role that each researcher played (or would have played, but for the termination) in their respective grant projects.

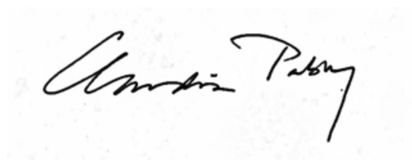
7. In Exhibit B, Dr. Zenyuk confirms that DOE terminated four grants and their subawards (EE0011345 – IONOMR Innovations; EE0011326 – Proton Energy Systems; EE0011315 – ACS Industries; and EE0011353 – AvCarb, LLC). These terminations adversely impacted Dr. Zenyuk and 10 additional UC scientific researchers: Florian Chabot, Yu Morimoto, Robert Anton, Mateusz Wojtaszek, Patrick Yang, Jack Lang, Nausir Firas, Bilal Iskandarani, Magnolia Pak, and Nergis Mahajar. As above, Exhibit B explains the role that each researcher played in their respective grant projects.

8. In Exhibit C, Dr. Narayanan confirms that DOE terminated grant EE0010190, which was titled "Enabling Micro-pin Array Receivers for Power Generation and High-temperature Process Heating Using Metal Additive Manufacturing – Development, Design and De-risk." This was a collaborative project among universities, companies, and a national laboratory aimed at advancing high temperature solar for process heating in industrial applications. DOE's termination of this grant adversely affected the entire four-person research team at UC Davis, which was comprised of Dr. Narayanan, Jesus Gutierrez Pascencia, Dr. Erfan Rasouli, and Aref Aboud. Exhibit C explains the role that each researcher played in this grant project.

9. I attach as **Exhibit D** a table that plaintiffs' counsel have prepared for the court's convenience to identify and cumulate all DOE-funded UC researchers injured by the agency's October 2025 grant terminations. These researchers are described individually in this declaration; the declaration of Dr. Shannon Boettcher (filed herewith); the two declarations by Dr. Atanassov (at ECF-158, and as filed herewith); and the two declarations by Dr. Louise Bedsworth (at ECF-157, and as filed herewith).

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 8th day of July 2026, at Berkeley, California.



Claudia Polsky

EXHIBIT A

Re: Confirming facts from our discussion

From: Jeffrey Long (jrlong@berkeley.edu)

To: polskymermin@sbcglobal.net

Cc: akesseru@berkeley.edu

Date: Saturday, July 4, 2026 at 07:27 AM PDT

Dear Claudia,

Thanks for taking this on. Please find my responses below.

Best wishes,
Jeff

Jeffrey R. Long
C. Judson King Distinguished Professor
Director, Baker Hughes Institute for Decarbonization Materials
Departments of Chemistry, Chemical and Biomolecular Engineering,
and Materials Science and Engineering
University of California, Berkeley
Berkeley, CA 94720-1460

Materials Sciences Division
Lawrence Berkeley National Laboratory
Berkeley, CA 94720

phone: (510) 642-0860
e-mail: jrlong@berkeley.edu
web: http://alchemy.cchem.berkeley.edu

Claudia Polsky July 3, 2026 at 5:57 PM

Dr. Long:

Thanks for taking the time to discuss your DOE grant termination with me. I am deeply sorry for the impact of this termination on your laboratory's staff and research productivity.

To ensure that we present accurate information to the Court about the number and roles of research team members, and the impacts of the termination on specific grant-funded individuals, please carefully review my summary of the salient parts of our conversation below. Where statements are correct, a simple "Yes" reply will suffice. Where my statements are incorrect or insufficiently nuanced, please correct or explain. In this way, we can present relevant information to the Court without the need for you to assume the burdens and responsibilities of participation as a named plaintiff.

Many thanks.

Best,

Claudia

Kindly confirm or correct each statement, via interlineation, and *italicize* your response:

1. By the attached letter of October 2, 2025, DOE informed you that grant **EE0010499**, which pertained to recovering critical materials from spent photovoltaic cells, was being terminated. Your project was intended to advance environmental goals by reducing the need to mine virgin precious materials, and to advance U.S. energy security goals by reducing vulnerabilities with respect to precious metals supply chains. As originally awarded, DOE committed to a three-year grant for $500,000 annually (*i.e.,* $1.5 million total). Your laboratory's Research Group was mid-stream when you received the DOE termination notice.

Yes

2. Your grant application contemplated that the work proposed would be performed by a **multi-member scientific research team** that would be a subset of members the Jeff Long Research Group at UC Berkeley. The "personnel" tab of the attached budget spreadsheet, which was submitted as part of the application, indicates that the research team would include both doctoral candidates and postdoctoral fellows.

Yes

3. In addition to the impact of the grant termination on you as PI, a minimum of **four** research team members —and potentially as many as **six**—have been substantially impacted by DOE's grant termination. As you and Alain Kesseru (Research Group Program Coordinator) have described to me:

* **Dr. Shivani Sharma**, a Postdoctoral Researcher with a PhD in inorganic chemistry with specialized expertise in critical metal recycling, was responsible for synthesizing and characterizing novel molecules. She has been substantially professionally harmed by the grant termination: in the wake of this termination, you informed her that she would have to find another job, and she has since departed UC Berkeley for a position in the private sector. In so doing, she lost the opportunity to get to the major payoff of her major role in this research project: to meet the goalpost, and publish a paper, and receive

due credit forresearch results. Because of the abruptness of the termination, she also lost the lead time necessary to apply for further funding to conduct additional research projects in your Research Group. More broadly, Dr. Sharma lost the opportunity to stay in academic research, and was forced to switch career tracks by quickly finding an industry job.

Yes. Please note that the new compounds that Shivani and others were synthesizing in this project are better described as "porous polymers" than as "molecules".

* **Dr. Ethan Pezoulas,** who recently received his PhD under your mentorship, was also professionally harmed by DOE's grant termination. The Research Group's intent was to transition Dr. Pezoulas to work on the DOE-funded precious metals recovery project in a post-doctoral capacity, but in light of the grant termination, he was also required to find a job in industry rapidly. He lost an opportunity to work in the area of his specialized chemistry training, and is now doing entirely unrelated work at a plastics company in Ohio.

Ethan's doctoral research in this area was cut short by the termination of the award, which caused him to focus hi studies more on other areas. However, to my knowledge his intention was always to pursue a job in industry upon completing his PhD.

* **Dr. Hiroyasu Furukawa**, a senior Project Scientists with more than 30 years of chemistry experience who is integral to numerous Research Group projects, has also been harmed by DOE's grant termination. His work on project design and the drafting of reporting literature for the metals recovery project has gone to waste, and he has been unable to realize the professional and reputational fruits of his research efforts. Were the grant to be reinstated, Dr. Furukawa's time would be reallocated to allow him to devote his advanced skills and a portion of his time to this project.

Yes

* **Dr. Hsinhan Tsai**, another Postdoctoral Researcher, had a role similar to Dr. Sharma's in synthesizing and characterizing novel molecules. Although he left the Research Group to accept a professorship in Texas prior to DOE's grant termation, but for the ermination, the Research Group intended to back-fill his research role with a combination of three current PhD students:
-> **Mathew Santoso**
-> **Max Merovah**
-> **Gabriel Espindola Khan**
Each had a keen interest in participating in the precious metals recovery project because of their hope to focus their doctoral dissertations on polymer chemistry: this project was the Research Group's lab's *only* in-process polymer study. The harm to their academic trajectories from grant termination is significant. Because they have been forced to refocus their PhD research, they

> have been delayed in data gathering, which will in turn delay publications. Such delays in producing academic papers can extend a chemistry graduate student's time to PhD from the usual five years to six or seven.

Yes. Note that Dr. Tsai left to accept a professorship at University of Buffalo, which is in New York rather than Texas.

UNITED STATES DEPARTMENT OF ENERGY

10/02/2025

NOAM PINES

Regents of the University of California, The

1608 4th St Ste 220, SPONSORED PROJECTS OFFICE, BERKELEY, CA 947101749

Ref: Termination of Financial Assistance Award EE0010499

NOAM PINES:

The United States Department of Energy (Department) is issuing this letter to inform you that financial assistance award EE0010499, for a project entitled Porous Aromatic Frameworks as Multifunctional Adsorbents for Selective Metal Recovery from Spent Photovoltaic Materials, is hereby terminated in its entirety.

Pursuant to the Department's policy memorandum dated May 14, 2025, entitled Ensuring Responsibility for Financial Assistance, it is the Department's policy to ensure that the award recipients and the individual projects are, among other things, financially sound and economically viable, aligned with national and economic security interests, and consistent with both Federal law and this Administration's goals, policies and priorities.

This project does not effectuate the Department of Energy's priorities of ensuring affordable, reliable, and abundant energy to meet growing demand and/or addresses the national emergency declared pursuant to Executive Order 14156.

The Department has reviewed your financial assistance agreement in accordance with this policy and determined that this project is not consistent with this Administration's goals, policies and priorities.

More specifically, the Department has determined:

This project does not effectuate the Department of Energy's priorities of ensuring affordable, reliable, and abundant energy to meet growing demand and/or addresses the national emergency declared pursuant to Executive Order 14156.

As a result, EE0010499 is hereby terminated in its entirety pursuant to 2 CFR 200.340, which states that an award may be terminated:

"By the Federal awarding agency or pass-through entity, to the greatest extent authorized by law, if an award no longer effectuates the program goals or agency priorities."

The effective date of termination for this Award is 10/02/2025. In accordance with 2 CFR 200.344, your organization must:

- Submit all final financial, performance, and property reports within 120 calendar days of the termination effective date.
- Return any unobligated balance of funds as determined by the Grants Officer.
- Cooperate fully in the closeout process, including any audit or review conducted by the Department or its designee.

Pursuant to 2 CFR 200.472, make every reasonable effort to immediately discontinue project costs after the effective termination date. Only those costs that were incurred on or before the effective date of termination will be considered for reimbursement by the Grants Officer, provided such costs are also deemed allowable, allocable, and reasonable in accordance with the award terms and applicable federal regulations.

Within 30 days of the date of this letter, provide 1) a summary of technical progress under the award including the Statement of Project Objectives tasks/subtasks of the work performed and 2) an itemized accounting of the final project costs incurred prior to the termination date. The summary and itemized accounting should be provided for all sub-recipient(s), as applicable.

The Department will follow up with additional instructions regarding final reports and other closeout requirements and will continue to work with you on the completion of any activities required by this letter. Administrative costs associated with the closeout of this award shall be liquidated no later than 120 calendar days from the effective date of the termination. Please refer to 2 CFR 200.472 for allowable termination and closeout costs.

Pursuant to 2 CFR 200.342, you may object to this termination and provide information and documentation challenging the termination action in accordance with 2 CFR 910.128. Finally, you are reminded of your duties under your award agreement and Department guidance regarding retention of award and project records.

Thank you,

Derek G. Passarelli

Derek G. Passarelli
Head of Contracting Activity
Golden Field Office
Office of Energy Efficiency &
Renewable Energy
U.S. Department of Energy

Derek G. Passarelli

Head of Contracting

Office of Energy Efficiency and Renewable Energy

derek.passarelli@hq.doe.gov

1000 Independence Ave., SW
Washington, DC 20585

a. Personnel

INSTRUCTIONS - PLEASE READ!!!
1. List project costs solely for employees of the entity completing this form. All personnel costs for subrecipients and contractors must be included under f. Contractual.
2. All personnel should be identified by position title and not employee name. Enter the amount of time (e.g., hours or % of time) and the base hourly rate and the total direct personnel compensation will automatically calculate. Rate basis (e.g., rate negotiated for each hour worked on the project, labor distribution report, state civil service rates, etc.) must also be identified.
3. If loaded labor rates are utilized, a description of the costs the loaded rate is comprised of must be included in the Additional Explanation section below. DOE must review all components of the loaded labor rate for reasonableness and unallowable costs (e.g. fee or profit).
4. If a position and hours are attributed to multiple employees (e.g. Technician working 4000 hours) the number of employees for that position title must be identified.
5. Each budget period is rounded to the nearest dollar.

SOPO Task #	Position Title	Budget Period 1			Budget Period 2			Budget Period 3			Project Total Hours	Project Total Dollars	Rate Basis
		Time (Hrs)	Hourly Rate ($/Hr)	Total Budget Period 1	Time (Hrs)	Hourly Rate ($/Hr)	Total Budget Period 2	Time (Hrs)	Hourly Rate ($/Hr)	Total Budget Period 3			
1	Sr. Engineer **(EXAMPLE!!!)**	2000	$85.00	$170,000	200	$50.00	$10,000	200	$50.00	$10,000	2400	$190,000	
2	Technicians (2)	4000	$20.00	$80,000	0	$0.00	$0	0	$0.00	$0	4000	$80,000	
All	Principal Investigator	0.7	$45,778	$30,213	0.6	$47,151	$27,678	0.6	$48,566	$28,324	1.8	$86,215	
All	Post Doctoral Researcher	6	#######	$28,926	6	#######	$29,892	6	#######	$30,996	18	$89,814	
All	Graduate Student Researcher	6	#######	$42,503	6	#######	$43,778	6	#######	$45,091	18	$131,373	
				$0			$0			$0	0	$0	
				$0			$0			$0	0	$0	
				$0			$0			$0	0	$0	
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				$0			$0			$0	0	$0	
				$0			$0			$0	0	$0	
	TOTAL PERSONNEL	**12.66**		**$101,642**	**13**		**$101,348**	**13**		**$104,411**	**38**	**$307,401**	

Additional Explanation (as needed): UC Berkeley does not calculate labor costs as hourly rates. Our standard unit of labor is the month and is quantified as a percentage of effort (% FTE). Hourly rates are not representative of the actual cost of labor and should this proposal be selected for funding, we expect to be able to invoice using our standard unit of measure. Units provided in this tab are months and monthly rates.

EXHIBIT B

Re: Confirmation re: DOE grant terminations

From: Iryna Z (energia13@gmail.com)

To: polskymermin@sbcglobal.net

Date: Sunday, July 5, 2026 at 10:40 AM PDT

"YES, I confirm that the below summary is accurate and true."

On Sun, Jul 5, 2026 at 10:39 AM Claudia Polsky <polskymermin@sbcglobal.net> wrote:

Dr Zenyuk:

Thanks for taking the time to discuss your DOE grant terminations with me. I am deeply sorry for the impact of these four near-simultaneous terminations on you, your collaborators, and your research productivity.

We want to present accurate information to the Court about the number and roles of research team members, and the impacts of the terminations on specific grant-funded individuals. Accordingly, please carefully review my summary of the salient parts of our conversation below. Where statements are correct, a simple "Yes" reply will suffice. If any statements are incorrect or incomplete, please correct or explain. In this way, we can present important information to the Court without the need for you to assume the burdens and responsibilities of participation as a named plaintiff.

Many thanks.

Best,

Claudia

Kindly confirm or correct each statement:

A. The attached letters forwarded to you by prime grantees, each dated in early October 2025, announced DOE termination of the following grants:

* EE0011345, IONOMR Innovations
* EE0011326, Proton Energy Systems (sub-award letter also included)
* EE0011315, ACS Industries
* EE0011353, AvCarb, LLC

B. DOE's termination of these grants and the corresponding sub-awards to UC adversely impacted **10 UC scientific researchers** other than yourself as PI, as follows:

1. IONOMR INNOVATIONS

The aim of this DOE-funded project was to develop PFAS-free materials at scale to be integrated in proton exchange membrane fuel cells (PEMFCs). UC Irvine's role was to characterize and use advanced techniques to ensure that the integration of materials is successful, and that the PEMFCs operate at a level comparable to conventional materials.

Dr. Florian Chabot, a postdoctoral fellow supported by this project, had to leave his position at UC Irvine in the wake of the DOE grant termination, and moved back to France. This cut his postdoctoral position short, and made him lose the opportunity to gather more x-ray data for contemplated joint publications. The research team (and the UC system and nation) also lost talent, as he departed the country.

Dr. Yu Morimoto, a Senior Researcher with 40 years of experience in PEMFCs and electrochemical systems, was critical personnel in the group. He supervised students and provided key technical insight on many project components. His position was reduced to a single day per week due to funding constraints induced by DOE's grant termination, and now he works fully remotely from Japan. Thus, all of our graduate students on the team lost the opportunity to work closely with someone so experienced.

Robert Anton and **Mateusz Wojtaszek** (both PhD students) had to pivot their PhD topics as a result of DOE's grant termination.
-> Robert was a 4th year at the time of the termination and needed to move towards closure on his dissertation, so his timeline on this project terminated prematurely. As a result, one of his PhD chapters is not as complete as it should and would have been. He also lost the opportunity to finish some of the most important experiments, which could have resulted in high- impact publications. These would not only have benefitted his reputation, but would have taught the field how to properly integrate non-PFAS membranes into fuel cells.
-> Mateusz was a 2nd year student, so he had to abruptly change his PhD topic and extend his timeline to dissertation defense. He came to UC Irvine with the specific intent to increase his knowledge of rheology (the branch of materials science that studies the flow and deformation of matter), but now must work on an industry-funded project that is completely different, compromising his plan of academic study.

2. **PROTON ENERGY SYSTEMS**

The UC sub-award on this DOE grant-funded project was to develop alkaline exchange membrane (AEM) water electrolyzers with novel materials for long-duration operation. Proton Energy Systems (recently renamed "NEL Hydrogen") was the prime grantee. The sub-award to UC funded time from and supported research effort by three researchers: **Patrick Yang** (PhD student), **Jack Lang** (PhD student), and you as PI. The project was halted for months due to DOE's grant termination. As a result:

Patrick Yang's time had to be distributed among four different small industrial projects that diffused his effort and made his contributions less impactful. He also does not yet have a first-authored publication. Because there is an informal requirement to have three of these for PhD completion, this has delayed his PhD timeframe by 1-2 years.

Jack Lang was required to find another funding source and move to Lawrence Berkeley National Lab as a Doctoral Fellow in an entirely different capacity. He lost his desired opportunity to continue collaboration with our industrial partner (Proton).

Importantly: As a result of the June 2026 stipulated judgment in *American International Chemical Engineers, et al. v. Wright*, case 1:26-cv-01063 (attached), the PROTON/NEL Hydrogen grant and our sub-award have recently been reinstated. Now, Patrick can go back to his original thesis topic and we can try to shorten his PhD completion: with the right focus, he can produce a first-authored paper.

3. **ACS INDUSTRIES, INC**.

This project was to develop U.S.-based manufacturing of expanded meshes as components for proton exchange membrane water electrolyzers (PEMWEs). UC Irvine's role was to provide computational design of meshes for ideal geometry.

Nausir Firas, a PhD student, was working on this project with you, and was financially supported by this award. Nausir is a 4th year PhD student whose work is mostly computational. In year 2, the ACS research team had to provide the UC Irvine team with certain experimental results to validate Nausir's models. The grant termination prevented this. Because Nausir's models are not currently validated with experiments, his work has significantly diminished influence, as the field will question its validity. Nasir's thesis will thus be less impactful, and he will be in a less favorable position for a job search.

4. **AVCARB, LLC**

This project aims to develop porous carbon components for proton exchange membrane fuel cells (PEMFCs). UC Irvine's role was to characterize and test novel materials from Avcarb.

The UC sub-grant was for research by **Bilal Iskandarani**, a Postdoctoral Fellow, and by PhD students **Magnolia Pak** and **Nergis Mahajar**, all working under your supervision as PI.

Dr. Iskandarani has a PhD in chemistry and significant background in synthetic synthesis. In the wake of DOE's grant termination, he had to be laid off, preventing him from publishing work he was doing under this project. He instead had to refocus on searching for jobs. He is currently still unemployed, and without a first-author publication from the postdoctoral fellowship, his job prospects are dim. At the same time, the research team lost a member with strong grounding in synthetic synthesis and specific expertise in electrospinning, a skill relevant to this project. Were the grant to be reinstated, Dr. Iskandarani could be reemployed and resume his fellowship.

Dr. Magnolia Pak was rushed to defend her PhD thesis in the wake of the grant termination due to loss of financial support. She had to take 3 unpaid months to complete her publications (which would normally be taking place under the research assistantship) even as she was compelled to conduct a hurried job search. She now works for a start-up company on matters unrelated to her PhD topic. She lost the opportunity to search for jobs she is truly passionate about, and thus the grant termination impacted her placement in the private sector.

Nergis Mahajar is a 2nd year PhD student. Her dissertation topic had to be completely changed in light of the termination of UC sub-award on this DOE grant. As a result, she

> lost a year of her PhD work: the 1st year work will not be counted as part of her thesis, and her PhD will be prolonged by one or two years. She also has no publications, which impacts her competitiveness for national fellowships. The DOE grant termination will thus have long-term adverse implications on her career.

UNITED STATES DEPARTMENT OF ENERGY

10/02/2025

George Haberlin
IONOMR INNOVATIONS INC
500 RUTHERFORD AVE, 102, CHARLESTOWN, MA 14623

Ref: Termination of Financial Assistance Award EE0011345

George Haberlin:

The United States Department of Energy (Department) is issuing this letter to inform you that financial assistance award EE0011345, for a project entitled BIL - Advanced hydrocarbon proton exchange ionomer and membrane scale-up and electrode optimization for heavy duty fuel cells, is hereby terminated in its entirety.

Pursuant to the Department's policy memorandum dated May 14, 2025, entitled Ensuring Responsibility for Financial Assistance, it is the Department's policy to ensure that the award recipients and the individual projects are, among other things, financially sound and economically viable, aligned with national and economic security interests, and consistent with both Federal law and this Administration's goals, policies and priorities.

This project does not effectuate the Department of Energy's priorities of ensuring affordable, reliable, and abundant energy to meet growing demand and/or addresses the national emergency declared pursuant to Executive Order 14156.

The Department has reviewed your financial assistance agreement in accordance with this policy and determined that this project is not consistent with this Administration's goals, policies and priorities.

More specifically, the Department has determined:

This project does not effectuate the Department of Energy's priorities of ensuring affordable, reliable, and abundant energy to meet growing demand and/or addresses the national emergency declared pursuant to Executive Order 14156.

As a result, EE0011345 is hereby terminated in its entirety pursuant to 2 CFR 200.340, which states that an award may be terminated:

"By the Federal awarding agency or pass-through entity, to the greatest extent authorized by law, if an award no longer effectuates the program goals or agency priorities."

The effective date of termination for this Award is 10/02/2025. In accordance with 2 CFR 200.344, your organization must:

- Submit all final financial, performance, and property reports within 120 calendar days of the termination effective date.
- Return any unobligated balance of funds as determined by the Grants Officer.
- Cooperate fully in the closeout process, including any audit or review conducted by the Department or its designee.

Pursuant to 2 CFR 200.472, make every reasonable effort to immediately discontinue project costs after the effective termination date. Only those costs that were incurred on or before the effective date of termination will be considered for reimbursement by the Grants Officer, provided such costs are also deemed allowable, allocable, and reasonable in accordance with the award terms and applicable federal regulations.

Within 30 days of the date of this letter, provide 1) a summary of technical progress under the award including the Statement of Project Objectives tasks/subtasks of the work performed and 2) an itemized accounting of the final project costs incurred prior to the termination date. The summary and itemized accounting should be provided for all sub-recipient(s), as applicable.

The Department will follow up with additional instructions regarding final reports and other closeout requirements and will continue to work with you on the completion of any activities required by this letter. Administrative costs associated with the closeout of this award shall be liquidated no later than 120 calendar days from the effective date of the termination. Please refer to 2 CFR 200.472 for allowable termination and closeout costs.

Pursuant to 2 CFR 200.342, you may object to this termination and provide information and documentation challenging the termination action in accordance with 2 CFR 910.128. Finally, you are reminded of your duties under your award agreement and Department guidance regarding retention of award and project records.

Thank you,

Derek G. Passarelli

Derek G. Passarelli
Head of Contracting Activity
Golden Field Office
Office of Energy Efficiency &
Renewable Energy
U.S. Department of Energy

Derek G. Passarelli

Head of Contracting

Office of Energy Efficiency and Renewable Energy

derek.passarelli@hq.doe.gov

1000 Independence Ave., SW
Washington, DC 20585

UNITED STATES DEPARTMENT OF ENERGY

10/02/2025

Kenneth Kelly

PROTON ENERGY SYSTEMS INC

10 TECHNOLOGY DRIVE, WALLINGFORD, CT 064921955

Ref: Termination of Financial Assistance Award EE0011326

Kenneth Kelly:

The United States Department of Energy (Department) is issuing this letter to inform you that financial assistance award EE0011326, for a project entitled BIL-Low-Cost, Clean AEM Electrolysis through Transport Property Understanding, Manufacturing Scale-up, and Optimization of Electrodes and Their Interfaces, is hereby terminated in its entirety.

Pursuant to the Department's policy memorandum dated May 14, 2025, entitled Ensuring Responsibility for Financial Assistance, it is the Department's policy to ensure that the award recipients and the individual projects are, among other things, financially sound and economically viable, aligned with national and economic security interests, and consistent with both Federal law and this Administration's goals, policies and priorities.

This project does not effectuate the Department of Energy's priorities of ensuring affordable, reliable, and abundant energy to meet growing demand and/or addresses the national emergency declared pursuant to Executive Order 14156.

The Department has reviewed your financial assistance agreement in accordance with this policy and determined that this project is not consistent with this Administration's goals, policies and priorities.

More specifically, the Department has determined:

This project does not effectuate the Department of Energy's priorities of ensuring affordable, reliable, and abundant energy to meet growing demand and/or addresses the national emergency declared pursuant to Executive Order 14156.

As a result, EE0011326 is hereby terminated in its entirety pursuant to 2 CFR 200.340, which states that an award may be terminated:

"By the Federal awarding agency or pass-through entity, to the greatest extent authorized by law, if an award no longer effectuates the program goals or agency priorities."

The effective date of termination for this Award is 10/02/2025. In accordance with 2 CFR 200.344, your organization must:

- Submit all final financial, performance, and property reports within 120 calendar days of the termination effective date.
- Return any unobligated balance of funds as determined by the Grants Officer.
- Cooperate fully in the closeout process, including any audit or review conducted by the Department or its designee.

Pursuant to 2 CFR 200.472, make every reasonable effort to immediately discontinue project costs after the effective termination date. Only those costs that were incurred on or before the effective date of termination will be considered for reimbursement by the Grants Officer, provided such costs are also deemed allowable, allocable, and reasonable in accordance with the award terms and applicable federal regulations.

Within 30 days of the date of this letter, provide 1) a summary of technical progress under the award including the Statement of Project Objectives tasks/subtasks of the work performed and 2) an itemized accounting of the final project costs incurred prior to the termination date. The summary and itemized accounting should be provided for all sub-recipient(s), as applicable.

The Department will follow up with additional instructions regarding final reports and other closeout requirements and will continue to work with you on the completion of any activities required by this letter. Administrative costs associated with the closeout of this award shall be liquidated no later than 120 calendar days from the effective date of the termination. Please refer to 2 CFR 200.472 for allowable termination and closeout costs.

Pursuant to 2 CFR 200.342, you may object to this termination and provide information and documentation challenging the termination action in accordance with 2 CFR 910.128. Finally, you are reminded of your duties under your award agreement and Department guidance regarding retention of award and project records.

Thank you,

Derek G. Passarelli

Derek G. Passarelli
Head of Contracting Activity
Golden Field Office
Office of Energy Efficiency &
Renewable Energy
U.S. Department of Energy

Derek G. Passarelli

Head of Contracting

Office of Energy Efficiency and Renewable Energy

derek.passarelli@hq.doe.gov

1000 Independence Ave., SW
Washington, DC 20585

nel

October 9, 2025

VIA EMAIL

The Regents of the University of California, on behalf of its Irvine campus
Attn: Christopher Avalos
Industry Contract Officer
5270 California Avenue
Irvine, CA 92697-7700
Email: avalosec@uci.edu

cc: Iryna Zenyuk
Associate Professor, Director, National Fuel Cell Research Center
Email: iryna.zenyuk@uci.edu

Proton Energy Systems, Inc.
d/b/a Nel Hydrogen US
10 Technology Drive
Wallingford, CT 06492
USA

T +1.203.678.2000
F +1.203.949.8016
E info@nelhydrogen.com
W www.nelhydrogen.com

Re: Termination of Subrecipient Agreement No. EC-0011326-03 with The Regents of the University of California, Irvine under DOE Award No. DE-EE0011326

Dear Subrecipient,

We are writing regarding the Subrecipient Agreement ("Agreement") by and between Proton Energy Systems, Inc. d/b/a Nel Hydrogen US ("Nel") and The Regents of the University of California, on behalf of its Irvine campus ("UCI") under the above referenced U.S. Department of Energy Federal Award.

On October 9, 2025, Nel received notification from the U.S. Department of Energy that Federal Award No. DE-EE0011326, under which UCI is a subrecipient, has been terminated effective October 2, 2025, with the Period of Performance and Budget Period ending August 31, 2025.

Accordingly, pursuant to Article 19 (Termination) of the Subrecipient Agreement, Nel hereby provides formal notice that, effective immediately, Nel is terminating UCI's Subrecipient Agreement due to the termination of the related DOE award.

Effective immediately, all activities and expenditures under the Agreement must cease. Please ensure that no further costs are incurred or charged to this Subrecipient Agreement. Pursuant to Article 19 (Closeout) and 2 CFR 200.344, UCI is required to complete all closeout activities, including submission of final invoices, deliverables, and disposition of confidential information or materials provided under the Agreement.

We appreciate your cooperation and thank you for your collaboration and contributions throughout the duration of this project.

Sincerely,

Signed by:
Tushar Ghuwalewala
8E7A4C0288FE477...

Tushar Ghuwalewala
Secretary
Nel Hydrogen
10 Technology Drive
Wallingford, CT 06492
United States
Office: +1 203-678-2146
Fax: +1 203-949-8016
Email: tghuwalewala@nelhydrogen.com

Case 3:25-cv-04707-FA Document 21-1 Filed 07/15/26 Page 11 of 19

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMERICAN INSTITUTE OF CHEMICAL ENGINEERS, *et al.*, *Plaintiffs*, v. CHRISTOPHER WRIGHT, in his official capacity as Secretary of Energy, *et al.*, *Defendants*.	Case No. 26-cv-1063 APM

STIPULATED JUDGMENT

The parties stipulate as follows:

1. In *City of Saint Paul v. Wright*, No. 25-cv-3899 (D.D.C.), a group of prime awardees, subawardees, and beneficiaries of grants from the U.S. Department of Energy (DOE) challenged the termination of their awards under the Fifth Amendment's equal protection guarantee and the First Amendment. The plaintiffs alleged that DOE terminated the relevant awards because the prime grantees were located in States that voted for Vice President Harris in the 2024 election and currently have elected two Senators who caucus with the Democratic party ("Blue States"). The plaintiffs moved for a preliminary injunction and consolidation under Federal Rule of Civil Procedure 65(a)(2).

2. After conferral between the *Saint Paul* plaintiffs and the government, and several hearings with the court, the parties agreed to enter into a stipulation in lieu of further discovery or a trial. *See* Stipulation, *Saint Paul*, No. 25-cv-3899 (D.D.C. Dec. 23, 2025), Dkt. 27. Under the stipulation, the government agreed that, with respect to the seven awards at issue in the litigation, the government would not contest that (i) the awards were comparable to retained

awards to prime awardees not in Blue States and (ii) "[a] primary reason for the selection of which DOE grant termination decisions were included in the October 2025 notice tranche was whether the grantee was located in a 'Blue State.'" *Id.* The government also represented to the court that "it would be legally sufficient for equal protection purposes," and specifically for purposes of rational basis review, "to find that a primary reason for the termination decisions at issue is because of location in blue states," if the court determined that primary reason was not rationally related to a legitimate government interest. *City of Saint Paul v. Wright*, 2026 WL 88193, at *5 (D.D.C. Jan. 12, 2026) (alterations omitted) (quoting 12/18 Status Conf. Tr. in *Saint Paul*, Dkt. No. 23, at 8:13–17, 7:11–24, 25:24–25); *see also* 12/17 Status Conf. Tr. in *Saint Paul*, Dkt. No. 21, at 14:9–15:4; 12/22 Status Conf. Tr. in *Saint Paul*, Dkt. No. 25, at 13:23–14:1.

3. On January 12, 2026, with the parties having stipulated to consolidation of the preliminary injunction motion with trial on the merits under Rule 65(a), this Court ruled in favor of the *Saint Paul* plaintiffs on their Fifth Amendment equal protection claim and vacated the October termination notices as to the seven awards at issue in the case. *City of Saint Paul, Minnesota v. Wright*, No. 25-CV-03899 (APM), 2026 WL 88193, at *1 (D.D.C. Jan. 12, 2026).

4. Plaintiffs in the present case are seven DOE awardees who, like the *Saint Paul* plaintiffs, are located in a Blue State and had one or more DOE awards terminated in the same October 2025 set of DOE terminations that were at issue in *Saint Paul*.

5. Given that this case presents parallel legal and factual issues as *Saint Paul*, the parties have conferred and agree that it is in the interest of justice and judicial economy for the parties to enter into the same stipulations as in *Saint Paul*. Specifically, solely for the purposes of

the present litigation and for no other purpose, with respect to the eleven financial awards[1] at issue in this litigation, Defendants stipulate not to contest the following factual assertions:

a. The eleven terminated awards, all of which have prime awardees in States that tend to elect and/or have recently elected Democratic candidates in state and national elections (so-called "Blue States"), are comparable to certain other U.S. Department of Energy ("DOE") awards that (a) are to prime awardees not in Blue States, and (b) did not receive letters terminating their awards in October 2025. *See* Stipulation ¶ 1, *Saint Paul*, No. 25-cv-3899 (D.D.C. Dec. 23, 2025), Dkt. 27.

b. A primary reason for the selection of which DOE grant termination decisions were included in the October 2025 notice tranche was whether the grantee was located in a "Blue State." *See* Stipulation ¶ 2, *Saint Paul*, No. 25-cv-3899 (D.D.C. Dec. 23, 2025), Dkt. 27.

6. Solely for purposes of this case, Defendants also agree to maintain the representation made by the government in *Saint Paul* that "it would be legally sufficient for equal protection purposes to find that a primary reason for the termination decisions at issue is because of location in blue states." *City of Saint Paul v. Wright*, 2026 WL 88193, at *5 (D.D.C. Jan. 12, 2026) (alterations and quotations omitted).

7. The parties further agree that, if the Court were to apply its reasoning in *Saint Paul* to this case, the Court would vacate the termination notices for the eleven awards at issue in this case. Accordingly, if the Court so-orders this proposed stipulated judgment, the termination notices for the eleven awards will be vacated.

---

[1] Award Nos. EE0011338, EE0010947, EE0010949, EE0011557, EE0010623, EE0010901, EE0011558, EE0011559, EE0011560, EE0011326, and EE0011010.

8. Plaintiffs have agreed to forgo seeking attorneys' fees and costs if this stipulated resolution of the case is entered. Accordingly, the parties agree that if the Court so-orders this proposed stipulated judgment, entry of final judgment would be appropriate.

9. Nothing in this stipulation shall prevent Defendants from appealing a judgment in Plaintiffs' favor in this case or in *Saint Paul*.

Dated: June 10, 2026

Respectfully submitted,

/s/ John Robinson
Daniel F. Jacobson (D.C. Bar 1016621)
Stephen K. Wirth (D.C. Bar 1034038)
John Robinson (D.C. Bar 1044072)
JACOBSON LAWYERS GROUP PLLC
5100 Wisconsin Ave. NW, Suite 301
Washington, DC 20016
Tel: (301) 823-1148
dan@jacobsonlawyersgroup.com

Counsel for Plaintiffs

JEANINE FERRIS PIRRO
United States Attorney

/s/ Allison I. Brown
ALLISON I. BROWN
Assistant United States Attorney
601 D Street, NW
Washington, DC 20530
(202) 252-7822
allison.brown2@usdoj.gov

Attorneys for the United States of America

SO ORDERED:

The Court enters judgment in favor of Plaintiffs. The October termination notices for Award Nos. EE0011338, EE0010947, EE0010949, EE0011557, EE0010623, EE0010901,

EE0011558, EE0011559, EE0011560, EE0011326, and EE0011010 are hereby vacated. This is a final, appealable judgment.

/s/ Amit P. Mehta
Amit Mehta
U.S. District Judge

Date: June 11, 2026

Department of Energy
Golden Field Office
15013 Denver West Parkway
Golden, Colorado 80401

October 9, 2025

Jeffrey Buckler
ACS Industries Inc.
1 New England Way
Lincoln, RI 02865-4284

Ref: Termination of Financial Assistance Award EE0011315

Jeffrey Buckler:

This letter will serve as formal confirmation of the notice you received via email on October 2, 2025. The date of this letter will serve as the date of termination.

The United States Department of Energy (Department) is issuing this letter to inform you that financial assistance award EE0011315, for a project entitled BIL - High-Throughput Anode Packs with Advanced Porous Transport Layers, is hereby terminated in its entirety.

Pursuant to the Department's policy memorandum dated May 14, 2025, entitled Ensuring Responsibility for Financial Assistance, it is the Department's policy to ensure that the award recipients and the individual projects are, among other things, financially sound and economically viable, aligned with national and economic security interests, and consistent with both Federal law and this Administration's goals, policies and priorities.

The Department has reviewed your financial assistance agreement in accordance with this policy and determined that this project is not consistent with this Administration's goals, policies and priorities. More specifically, the Department has determined:

- This project does not effectuate the Department of Energy's priorities of ensuring affordable, reliable, and abundant energy to meet growing demand and/or addresses the national emergency declared pursuant to Executive Order 14156.

As a result, this Award is hereby terminated in its entirety pursuant to 2 CFR 200.340, which states that an award may be terminated:

> By the Federal awarding agency or pass-through entity, to the greatest extent authorized by law, if an award no longer effectuates the program goals or agency priorities.

The effective date of termination for this Award is October 9, 2025. In accordance with 2 CFR 200.344, your organization must:

- Submit all final financial, performance, and property reports within 120 calendar days of the termination effective date.
- Return any unobligated balance of funds as determined by the Grants Officer.

- Cooperate fully in the closeout process, including any audit or review conducted by the Department or its designee.

Pursuant to 2 CFR 200.472, make every reasonable effort to immediately discontinue project costs after the effective termination date. Only those costs that were incurred on or before the effective date of termination will be considered for reimbursement by the Grants Officer, provided such costs are also deemed allowable, allocable, and reasonable in accordance with the award terms and applicable federal regulations.

Within 30 days of the date of this letter, provide 1) a summary of technical progress under the award including the Statement of Project Objectives tasks/subtasks of the work performed and 2) an itemized accounting of the final project costs incurred prior to the termination date. The summary and itemized accounting should be provided for all sub-recipient(s), as applicable.

The Department will follow up with additional instructions regarding final reports and other closeout requirements and will continue to work with you on the completion of any activities required by this letter. Administrative costs associated with the closeout of this award shall be liquidated no later than 120 calendar days from the effective date of the termination. Please refer to 2 CFR 200.472 for allowable termination and closeout costs.

Pursuant to 2 CFR 200.342, you may object to this termination and provide information and documentation challenging the termination action in accordance with 2 CFR 910.128. Finally, you are reminded of your duties under your award agreement and Department guidance regarding retention of award and project records.

Sincerely,

Derek G. Passarelli

Derek G. Passarelli
Head of Contracting Activity
Golden Field Office
Office of Energy Efficiency & Renewable Energy
U.S. Department of Energy

Department of Energy
Golden Field Office
15013 Denver West Parkway
Golden, Colorado 80401

October 9, 2025

Valerie White
Avcarb, LLC
2 Industrial Ave,
Lowell, MA 01851-5107

Ref: Termination of Financial Assistance Award E0011353

Valerie White:

This letter will serve as formal confirmation of the notice you received via email on October 2, 2025. The date of this letter will serve as the date of termination.

The United States Department of Energy (Department) is issuing this letter to inform you that financial assistance award EE000011353, for a project entitled BIL - Establishment of a Vertically Integrated Domestic Manufacturing Process for Production of Substrates Needed for Manufacture of Gas Diffusion Layers, is hereby terminated in its entirety.

Pursuant to the Department's policy memorandum dated May 14, 2025, entitled Ensuring Responsibility for Financial Assistance, it is the Department's policy to ensure that the award recipients and the individual projects are, among other things, financially sound and economically viable, aligned with national and economic security interests, and consistent with both Federal law and this Administration's goals, policies and priorities.

The Department has reviewed your financial assistance agreement in accordance with this policy and determined that this project is not consistent with this Administration's goals, policies and priorities. More specifically, the Department has determined:

- This project does not effectuate the Department of Energy's priorities of ensuring affordable, reliable, and abundant energy to meet growing demand and/or addresses the national emergency declared pursuant to Executive Order 14156.

As a result, this Award is hereby terminated in its entirety pursuant to 2 CFR 200.340, which states that an award may be terminated:

> By the Federal awarding agency or pass-through entity, to the greatest extent authorized by law, if an award no longer effectuates the program goals or agency priorities.

The effective date of termination for this Award is October 9, 2025. In accordance with 2 CFR 200.344, your organization must:

- Submit all final financial, performance, and property reports within 120 calendar days of the termination effective date.

- Return any unobligated balance of funds as determined by the Grants Officer.
- Cooperate fully in the closeout process, including any audit or review conducted by the Department or its designee.

Pursuant to 2 CFR 200.472, make every reasonable effort to immediately discontinue project costs after the effective termination date. Only those costs that were incurred on or before the effective date of termination will be considered for reimbursement by the Grants Officer, provided such costs are also deemed allowable, allocable, and reasonable in accordance with the award terms and applicable federal regulations.

Within 30 days of the date of this letter, provide 1) a summary of technical progress under the award including the Statement of Project Objectives tasks/subtasks of the work performed and 2) an itemized accounting of the final project costs incurred prior to the termination date. The summary and itemized accounting should be provided for all sub-recipient(s), as applicable.

The Department will follow up with additional instructions regarding final reports and other closeout requirements and will continue to work with you on the completion of any activities required by this letter. Administrative costs associated with the closeout of this award shall be liquidated no later than 120 calendar days from the effective date of the termination. Please refer to 2 CFR 200.472 for allowable termination and closeout costs.

Pursuant to 2 CFR 200.342, you may object to this termination and provide information and documentation challenging the termination action in accordance with 2 CFR 910.128. Finally, you are reminded of your duties under your award agreement and Department guidance regarding retention of award and project records.

Sincerely,

Derek G. Passarelli
Head of Contracting Activity
Golden Field Office
Office of Energy Efficiency & Renewable Energy
U.S. Department of Energy

EXHIBIT C

Re: Confirming DOE grant-termination impacts on scientific researchers at UC Davis

From: Vinod Narayanan (vnarayanan@ucdavis.edu)

To: polskymermin@sbcglobal.net

Date: Monday, July 6, 2026 at 09:12 AM PDT

Responses below. Thanks, Claudia!

From: Claudia Polsky <polskymermin@sbcglobal.net>
Sent: Monday, July 6, 2026 7:52 AM
To: Vinod Narayanan <vnarayanan@UCDAVIS.EDU>
Subject: Confirming DOE grant-termination impacts on scientific researchers at UC Davis

Dr. Narayanan:

Thanks for taking the time to discuss your DOE grant termination with me. I am deeply sorry for the impact of this termination on your scientific staff and research productivity.

We want to present accurate information to the Court about the number and roles of research team members, and the impacts of the termination on specific grant-funded individuals. Accordingly, please carefully review my summary of the salient parts of our conversation below. Where statements are correct, a simple "Yes" reply will suffice. If any statements are incorrect or incomplete, please correct or explain. In this way, we can present important information to the Court without the need for you to assume the burdens and responsibilities of participation as a named plaintiff.

Many thanks.

Best,

Claudia

Kindly confirm or correct each statement:

A. By the attached letter of October 2, 2025 DOE informed you that Grant DE-EE0010190 was being terminated.The Solar Energy Technologies Office (SETO) within the Office of Energy Efficiency and Renewable Energy had made this award to UC Davis for the project, *Enabling Micro-pin Array Receivers for Power Generation and High-temperature Process Heating Using Metal Additive Manufacturing—Development, Design and De-risk*.

YES

B. This collaborative project among universities, companies, and a national laboratory aims to advance high temperature solar for process heating in industrial applications, such as drying and chemicals processing. A significant fraction of energy use in such industries is in the form of heat. By enabling solar heat for these industrial processes, it is possible to advance domestic manufacturing by adding an additional source of industrial heat and thereby strengthen reliability of energy sources. The grant-funded project specifically aims to use metal Additive Manufacturing (AM) to fabricate a key component of the solar heat loop, namely a solar receiver. The key aspect of our work is to show that we can develop scalable, unique, efficient high-temperature thermal devices by using metal AM. U.S. manufacturing for deep energy technologies in nuclear, fossil, industrial process heat, defense, space, and transportation would have benefited from the outcomes of the project. DOE's SETO office, now called Integrated Energy Systems Office, clearly states on its web site that it supports development of U.S.-manufactured solar thermal systems for industrial heat, which is exactly what we were demonstrating.

YES

C. The grant termination adversely affected the entire 4-person research team at UC Davis, as follows:

1. **Jesus Gutierrez Plascencia,** a PhD candidate in Mechanical and Aerospace engineering, was fully financially supported by the grant. He was leading the modeling and optimization of the solar receiver for process heating applications. As a result of the grant termination, Jesus has had to support himself as a Teaching Assistant, significantly slowing down his time to degree completion. Due to this termination, we are having to scale down the scope of Jesus' dissertation and eliminate an exciting component of AI optimization that would have laid the framework for a new generation of thermal devices. Jesus lost the opportunity for continued interaction with industry, national lab, and academic partners on the grant. It has delayed Jesus' graduation by at least one year.

2. **Dr. Erfan Rasouli**, an R&D Engineering Supervisor at UC Davis's Western Cooling Efficiency Center, provided input on project design and CAD modeling of the receiver, and was conducting experimental testing. This work was funded by DOE's grant. As a result of grant termination, Dr. Rasouli had to be reassigned at a higher percentage to other projects. He lost the opportunity to oversee scale-up of the patented technology, which would have resulted in commercialization opportunities.

3. **Aref Aboud**, an R&D III engineer at Western Cooling Efficiency Center and PhD student, was involved in experimental testing of the receiver, and was funded by the grant. After the grant termination, Aref had to be reassigned to other projects at a higher percentage than budgeted. Aref and Dr. Rasouli led the complex on-sun high pressure and temperature testing of the small-scale receiver at UC Davis. Although the testing was successful, they will not have the funding needed to complete the last step and publish an archival article and disseminate results.

4. As faculty PI, I (**Vinod Narayanan**) provided overall guidance and direction for the entire project. I also advised Jesus on his PhD dissertation research. The research from this project would have enabled team members to advance research in advancing additive manufacturing for energy applications, and in adoption of our patented micro pin array solar receiver. In the third phase of the project, we would have had an opportunity to scale

up the technology and demonstrate it at the National Solar Test Facility at Sandia National Laboratory. This capstone demonstration would have been the culmination of more than a decade of work on the development of the technology, at a scale where industrial partners would have been interested in discussing adoption. We were in the midst of detailed planning for this demonstration when we received the termination notice. The termination has also slowed dissemination of our results to the scientific community.

YES

UNITED STATES DEPARTMENT OF ENERGY

10/02/2025

Denise Ehlen
UNIVERSITY OF CALIFORNIA, DAVIS
SPONSORED PROGRAMS, 1 Shields Avenue, Mrak Hall 4th Floor, DAVIS, CA 95616

Ref: Termination of Financial Assistance Award EE0010190

Denise Ehlen:

The United States Department of Energy (Department) is issuing this letter to inform you that financial assistance award EE0010190, for a project entitled Enabling Micro-pin Array Receivers for Power Generation and High-temperature Process Heating Using Metal Additive Manufacturing- Development, Design and De-risk, is hereby terminated in its entirety.

Pursuant to the Department's policy memorandum dated May 14, 2025, entitled Ensuring Responsibility for Financial Assistance, it is the Department's policy to ensure that the award recipients and the individual projects are, among other things, financially sound and economically viable, aligned with national and economic security interests, and consistent with both Federal law and this Administration's goals, policies and priorities.

This project does not effectuate the Department of Energy's priorities of ensuring affordable, reliable, and abundant energy to meet growing demand and/or addresses the national emergency declared pursuant to Executive Order 14156.

The Department has reviewed your financial assistance agreement in accordance with this policy and determined that this project is not consistent with this Administration's goals, policies and priorities.

More specifically, the Department has determined:

This project does not effectuate the Department of Energy's priorities of ensuring affordable, reliable, and abundant energy to meet growing demand and/or addresses the national emergency declared pursuant to Executive Order 14156.

As a result, EE0010190 is hereby terminated in its entirety pursuant to 2 CFR 200.340, which states that an award may be terminated:

"By the Federal awarding agency or pass-through entity, to the greatest extent authorized by law, if an award no longer effectuates the program goals or agency priorities."

The effective date of termination for this Award is 10/02/2025. In accordance with 2 CFR 200.344, your organization must:

- Submit all final financial, performance, and property reports within 120 calendar days of the termination effective date.
- Return any unobligated balance of funds as determined by the Grants Officer.
- Cooperate fully in the closeout process, including any audit or review conducted by the Department or its designee.

Pursuant to 2 CFR 200.472, make every reasonable effort to immediately discontinue project costs after the effective termination date. Only those costs that were incurred on or before the effective date of termination will be considered for reimbursement by the Grants Officer, provided such costs are also deemed allowable, allocable, and reasonable in accordance with the award terms and applicable federal regulations.

Within 30 days of the date of this letter, provide 1) a summary of technical progress under the award including the Statement of Project Objectives tasks/subtasks of the work performed and 2) an itemized accounting of the final project costs incurred prior to the termination date. The summary and itemized accounting should be provided for all sub-recipient(s), as applicable.

The Department will follow up with additional instructions regarding final reports and other closeout requirements and will continue to work with you on the completion of any activities required by this letter. Administrative costs associated with the closeout of this award shall be liquidated no later than 120 calendar days from the effective date of the termination. Please refer to 2 CFR 200.472 for allowable termination and closeout costs.

Pursuant to 2 CFR 200.342, you may object to this termination and provide information and documentation challenging the termination action in accordance with 2 CFR 910.128. Finally, you are reminded of your duties under your award agreement and Department guidance regarding retention of award and project records.

Thank you,

Derek G. Passarelli

Derek G. Passarelli
Head of Contracting Activity
Golden Field Office
Office of Energy Efficiency &
Renewable Energy
U.S. Department of Energy

Derek G. Passarelli

Head of Contracting

Office of Energy Efficiency and Renewable Energy

derek.passarelli@hq.doe.gov

1000 Independence Ave., SW
Washington, DC 20585

November 1, 2025

Transmitted via email

Derek G. Passarelli
Head of Contracting
Office of Energy Efficiency and Renewable Energy
1000 Independence Ave., SW
Washington, DC 20585
Email: derek.passarelli@hq.doe.gov

Rebekah Huson
DOE Award Administrator
Office of Energy Efficiency and Renewable Energy
1000 Independence Ave., SW
Washington, DC 20585
Email: Rebekah.huson@ee.doe.gov

Re: Request for reconsideration and reversal of Termination of Grant No.EE0010190

University of California, Davis PI: Vinod Narayanan
Title: Enabling Micro-pin Array Receivers for Power Generation and High-temperature Process Heating Using Metal Additive Manufacturing- Development, Design and De-risk
University of California, Davis Internal ID: A22-1852

Dear Derek Passarelli,

This letter is being submitted on behalf of the Regents of the University of California, on behalf of its Davis campus (University of California, Davis) to challenge and request a reversal of the Department of Energy's [DOE] decision to terminate Grant No. EE0010190 as communicated in the DOE notice dated October 2, 2025. Pursuant to that notice, and 2 C.F.R. sections 200.342 and 910.128, we respectfully submit this request on the basis that the termination is contrary to law and arbitrary and capricious. The University of California, Davis is willing to participate in the informal dispute resolution process to resolve this request.

The University of California, Davis requests that the termination be reversed based on the following:

- The termination is contrary to federal law and arbitrary and capricious.

  The absence of any one clear substantive legal or regulatory basis for termination in the letter, the Department's apparent lack of consideration for The Regent of the University of California, Davis's serious reliance interests, and the Department's reliance on pretext to justify its decision[1] violate the Administrative Procedure Act (5 U.S.C. § 706).

  The termination letter purportedly relies on a federal regulation that allows federal agencies to terminate grants "pursuant to the terms and conditions of the Federal award, including, to the extent authorized by law, if an award no longer effectuates the program goals or agency priorities," 2 C.F.R. § 200.340(a)(4). But the provision cannot be used to terminate awards based

[1] Close to the time that DOE sent its termination letter, Office of Management and Budget Director Russell Vought posted the following on X: "Nearly $8 billion in Green New Scam funding to fuel the Left's climate agenda is being cancelled."

on new agency priorities identified *after* the time of the federal award. Conditions imposed upon the acceptance of federal funding must be "unambiguous[]" and cannot "surprise[] participating States with post acceptance or 'retroactive' conditions." *Pennhurst State Sch. & Hosp. v. Halderman*, 451 U.S. 1, 17, 25 (1981).

Nor can it be used to withhold duly appropriated funds by identifying "agency priorities" that disregard or are otherwise incompatible with congressional directives (such as those contained in 42 U.S.C. § 16161a). "The United States Constitution exclusively grants the power of the purse to Congress, not the President." *City & Cnty. of San Francisco v. Trump*, 897 F.3d 1225, 1231 (9th Cir. 2018). The Executive Branch "does not have unilateral authority to refuse to spend . . . funds" already appropriated by Congress "for a particular project or program." *In re Aiken Cty.*, 725 F.3d 255, 261 n.1 (D.C. Cir. 2013).

- <u>The termination notice inaccurately implies that the award is inconsistent with federal law</u>.

  The implication that this program is inconsistent with federal law—and, by extension, the Department's policy objectives, as directed by federal law—is incorrect. University of California Davis has administered this project since October 1, 2022, in a manner fully consistent with federal law.

- <u>The termination notice inaccurately implies that reasons of economic or national security favor termination of the award and that the project does not effectuate DOE priorities of "ensuring affordable, reliable and abundant energy to meet growing demand and/or address[ing] the national emergency declared by Executive Order 14156."</u>

The termination letter, however, contains no information to substantiate the implication that the project is not "financially sound and economically viable," or that the project does not effectuate "ensuring affordable, reliable and abundant energy to meet growing demand and/or address[ing] the national emergency declared pursuant to Executive Order 14156." The project funded by the award remains financially sound and economically viable, is aligned with national interests, and is consistent with federal law and priorities, as demonstrated in the final program documents previously approved by DOE.

- <u>The termination will have a significant negative impact on US leadership in advanced manufacturing for energy application.</u>

  While the grant was funded by the Solar Energy Technologies Office, the work we were doing can be translated to other applications that are relevant to the current administration. The key aspect of our work was to show that we can develop scalable unique efficient high-temperature thermal devices by using metal additive manufacturing. US manufacturing for deep energy technologies in nuclear, fossil, industrial process heat, and transportation- would have benefitted from the outcomes of the project. Termination of the grant would have a severe negative impact on adoption of additive manufacturing as a solution for novel high-performance devices by industry, since we were going to demonstrate how the technology can be scaled up in the third phase.

In light of the foregoing, the University of California, Davis respectfully requests that DOE immediately reverse the termination of Grant No. EE0010190, and/or that DOE hold in abeyance any action, including withholding of funds, pending consideration of this objection to the termination. *See* 2 C.F.R. § 910.128(e).

If DOE elects not to reverse its termination of this grant pursuant to the informal dispute resolution process, University of California, Davis expects that DOE will mail a written determination signed by the Contracting Officer setting forth DOE's final determination of this grant termination dispute pursuant to 2 C.F.R. 910.128(c). In that event, the University of California, Davis reserves all rights to pursue any and all available relief and to receive any and all process due.

Because this abrupt termination will result in irreparable harm, we respectfully request a prompt response, and information about any next steps.

Sincerely,

Denise Ehlen
Executive Associate Vice Chancellor for Research
Authorized Organizational Representative
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EXHIBIT D

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DE-CD0000041 (ARCHES)	Mohammed Tamim Zaki	Postdoctoral researcher	LBNL	Dkt. 160-2; DOE Stip.
DE-CD0000041 (ARCHES)	Seongeun Jeong	Research Scientist	LBNL	Dkt. 160-2; DOE Stip.
DE-CD0000041 (ARCHES)	Robert Hosbach	Staff Data Scientist	LBNL	Dkt. 160-2; DOE Stip.
DE-CD0000041 (ARCHES)	Anna Spurlock	Research Scientist	LBNL	Dkt. 160-2; DOE Stip.
DE-CD0000041 (ARCHES)	Ling Jin	Research Scientist	LBNL	Dkt. 160-2; DOE Stip.
DE-CD0000041 (ARCHES)	Jie Zhang	Postdoctoral researcher	LBNL	Dkt. 160-2; DOE Stip.
DE-CD0000041 (ARCHES)	Yuebin Fan	PhD student	LBNL	Dkt. 160-2; DOE Stip.
DE-CD0000041 (ARCHES)	Xiaodan Xu	Research Scientist	LBNL	Dkt. 160-2; DOE Stip.
DE-CD0000041 (ARCHES)	Cristian Poliziani	Postdoctoral researcher	LBNL	Dkt. 160-2; DOE Stip.
DE-CD0000041 (ARCHES)	David McCallen	Senior Scientist	LBNL	Dkt. 160-2; DOE Stip.
DE-CD0000041 (ARCHES)	Ahmet Kusoglu	Staff Scientist	LBNL	Dkt. 160-2; DOE Stip.
DE-CD0000041 (ARCHES)	Julie Fornaciari	Program Manager	LBNL	Dkt. 160-2; DOE Stip.
DE-CD0000041 (ARCHES)	Adam Weber	Senior Scientist, ARCHES CTO	LBNL	Dkt. 160-2; DOE Stip.
DE-CD0000041 (ARCHES)	Bruce Appelgate	Professor	UC San Diego	Dkt. 160-2; DOE Stip.
DE-CD0000041 (ARCHES)	Stephen Zoltan Kelety	Marine Superintendent, Scripps	UC San Diego	Dkt. 160-2; DOE Stip.
DE-CD0000041 (ARCHES)	Lewis Fulton	Director	UC Davis	Dkt. 160-2; DOE Stip.
DE-CD0000041 (ARCHES)	Stefi Mitova	Project scientist	UC Davis	Dkt. 160-2; DOE Stip.
DE-CD0000041 (ARCHES)	Jingyuan Zhao	Project scientist	UC Davis	Dkt. 160-2; DOE Stip.
DE-CD0000041 (ARCHES)	Vishnu Vijakumar	PhD student	UC Davis	Dkt. 160-2; DOE Stip.
DE-CD0000041 (ARCHES)	Laura Restrepo	MS student (Graduated)	UC Davis	Dkt. 160-2; DOE Stip.
DE-CD0000041 (ARCHES)	John Cadiz	PhD student	UC Davis	Dkt. 160-2; DOE Stip.
DE-CD0000041 (ARCHES)	Madhu Laimacchane	PhD student	UC Davis	Dkt. 160-2; DOE Stip.
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DE-CD0000041 (ARCHES)	Jeffery Reed	Director Emeritus	UC Irvine	Dkt. 160-2; DOE Stip.
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DE-CD0000041 (ARCHES)	Tim Lipman	Professor, Co-Director	UC Berkeley	Dkt. 160-2; DOE Stip.
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EE0010751 (Cathode Catalysts)	Iryna Zenyuk	Co-Principal Investigator	UC Irvine	Atanassov Decl.

GRANT	NAME	TITLE	UC AFFILIATION	SOURCE(S)
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EE0010499 (Porous Aromatic)	Max Merovah	PhD student	UC Berkeley	Polsky Decl., Ex. A
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EE0011315 (ACS Industries)	Iryna Zenyuk	Principal Investigator	UC Irvine	Polsky Decl., Ex. B
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EE0011353 (AvCarb, LLC)	Iryna Zenyuk	Principal Investigator	UC Irvine	Polsky Decl., Ex. B
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EE0011322 (Electrolyzers)	Emma Kaeli	Researcher	UC Berkeley	Boettcher Decl.
EE0011322 (Electrolyzers)	Yuta Inoue	Researcher	UC Berkeley	Boettcher Decl.
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GRANT	NAME	TITLE	UC AFFILIATION	SOURCE(S)
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FE0032383 (Carbon Capture)	Tae Hwan Lim	Research Scientist	LBNL	Bedsworth Decl.
FE0032383 (Carbon Capture)	Syed Saqline	Postdoctoral researcher	LBNL	Bedsworth Decl.
FE0032383 (Carbon Capture)	Beichen Zhang	Postdoctoral researcher	LBNL	Bedsworth Decl.
DE-EE0010992 (Wastewater Treatment)	Diego Rosso	Co-Principal Investigator	UC Irvine	Davis Decl., Dkt. 165-1
DE-EE0009779 (Sunpower)	Scott Samuelsen	Co-Principal Investigator	UC Irvine	Davis Decl., Dkt. 165-1