

**IN THE UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

STATE OF WEST VIRGINIA,
COMMONWEALTH OF
KENTUCKY, STATE OF
ALABAMA, STATE OF ALASKA,
STATE OF ARKANSAS, STATE
OF FLORIDA, STATE OF
GEORGIA, STATE OF IDAHO,
STATE OF IOWA, STATE OF
INDIANA, STATE OF KANSAS,
STATE OF LOUISIANA, STATE
OF MISSISSIPPI, STATE OF
MISSOURI, STATE OF
MONTANA, STATE OF
NEBRASKA, STATE OF NEW
HAMPSHIRE, STATE OF NORTH
DAKOTA, STATE OF OHIO,
STATE OF OKLAHOMA, STATE
OF TEXAS, STATE OF SOUTH
CAROLINA, STATE OF SOUTH
DAKOTA, STATE OF UTAH,
COMMONWEALTH OF VIRGINIA,
and STATE OF WYOMING,

Petitioners,

v.

NATIONAL HIGHWAY TRAFFIC
SAFETY ADMINISTRATION;
SOPHIE SHULMAN, Deputy
Administrator, National Highway
Traffic Safety Administration, and
PETE BUTTIGIEG, Secretary,
United States Department of
Transportation,

No. 24-_____

Respondents.

PETITION FOR REVIEW

Under 49 U.S.C. § 32909(a), 5 U.S.C. §§ 702 and 706, and Federal Rule of Appellate Procedure 15(a), the State of West Virginia, the Commonwealth of Kentucky, the States of Alabama, Alaska, Arkansas, Florida, Georgia, Idaho, Iowa, Indiana, Kansas, Louisiana, Mississippi, Missouri, Montana, Nebraska, New Hampshire, North Dakota, Ohio, Oklahoma, Texas, South Carolina, South Dakota, Utah, the Commonwealth of Virginia, and the State of Wyoming, petition this Court for review of the final agency action taken by Respondents National Highway Traffic Safety Administration, Sophie Shulman (Deputy Administrator, National Highway Traffic Safety Administration), and Pete Buttigieg (Secretary, United States Department of Transportation), entitled “Corporate Average Fuel Economy Standards for Passenger Cars and Light Trucks for Model Years 2027 and Beyond and Fuel Efficiency Standards for Heavy-Duty Pickup Trucks and Vans for Model Years 2030 and Beyond,” 89 Fed. Reg. 52,540 (June 24, 2024). Petitioners have attached a copy of that final rule.

Petitioners will show that the final rule exceeds the agency's statutory authority and otherwise is arbitrary, capricious, an abuse of discretion, and not in accordance with law. Petitioners thus ask that this Court declare unlawful and vacate the Deputy Administrator's final action.

Respectfully submitted,

PATRICK MORRISEY
ATTORNEY GENERAL

RUSSELL COLEMAN
ATTORNEY GENERAL

/s/ Michael R. Williams
Michael R. Williams
Solicitor General
Frankie A. Dame
Assistant Solicitor General

/s/ Matthew F. Kuhn
Matthew F. Kuhn
Solicitor General
Jacob M. Abrahamson
Assistant Solicitor General

Office of the Attorney General of
West Virginia
State Capitol Complex
Building 1, Room E-26
Charleston, WV 25301
(304) 558-2021
michael.r.williams@wvago.gov
frankie.a.dame@wvago.gov

Counsel for State of West Virginia

Office of the Kentucky Attorney
General
700 Capital Avenue, Suite 118
Frankfort, KY 40601
(502) 696-5300
Matt.Kuhn@ky.gov
Jacob.Abrahamson@ky.gov

*Counsel for the Commonwealth of
Kentucky*

STEVE MARSHALL
ATTORNEY GENERAL

/s/ Edmund G. LaCour Jr.
Edmund G. LaCour Jr.
Solicitor General

Office of the Attorney General
State of Alabama
501 Washington Avenue
P.O. Box 300152
Montgomery, AL 36130-0152
(334) 242-7300
Edmund.LaCour@AlabamaAG.gov

Counsel for State of Alabama

TIM GRIFFIN
ATTORNEY GENERAL

/s/ Nicholas J. Bronni
Nicholas J. Bronni
Solicitor General

Office of the Arkansas Attorney
General
323 Center Street, Suite 200
Little Rock, AR 72201
(501) 682-2007 (main)
Nicholas.Bronni@ArkansasAG.gov

Counsel for State of Arkansas

TREG TAYLOR
ATTORNEY GENERAL

/s/ Thomas Mooney-Myers
Thomas Mooney-Myers
Assistant Attorney General

Alaska Department of Law
1031 W. 4th Ave., Ste. 200
Anchorage, AK 99501
(907) 269-5100
thomas.mooney-myers@alaska.gov

Counsel for State of Alaska

ASHLEY MOODY
ATTORNEY GENERAL

/s Henry C. Whitaker
Henry C. Whitaker (FBN 1031175)
Solicitor General

Office of the Attorney General
The Capitol, P1-01
Tallahassee, Florida 32399-1050
(850) 414-3300
(850) 410-2672 (fax)
henry.whitaker@myfloridalegal.com

Counsel for State of Florida

CHRISTOPHER M. CARR
ATTORNEY GENERAL

/s/ Stephen J. Petrany

Stephen J. Petrany
Solicitor General

Office of the Attorney General of
Georgia

40 Capitol Square, SW

Atlanta, GA 30334

(404) 458-3408

spetrany@law.ga.gov

Counsel for State of Georgia

RAÚL R. LABRADOR
ATTORNEY GENERAL

/s/ Joshua N. Turner

Joshua N. Turner
*Chief of Constitutional Litigation
and Policy*

Alan M. Hurst

Solicitor General

Office of the Idaho Attorney
General

P.O. Box 83720

Boise, ID 83720-0010

Tel: (208) 334-2400

Josh.Turner@ag.idaho.gov

Alan.hurst@ag.idaho.gov

Counsel for State of Idaho

BRENNA BIRD
ATTORNEY GENERAL

/s/ Eric H. Wessan

Eric H. Wessan
Solicitor General

Office of the Attorney General of
Iowa

1305 E. Walnut Street

Des Moines, IA 50319

(515) 823-9117

(515) 281-4209 (fax)

eric.wessan@ag.iowa.gov

Counsel for State of Iowa

THEODORE E. ROKITA
ATTORNEY GENERAL

/s/ James A. Barta

James A. Barta
Solicitor General

Indiana Attorney General's Office

ICGS—5th Floor

302 W. Washington St.

Indianapolis, IN 46204

(317) 232-0709

James.Barta@atg.in.gov

Counsel for State of Indiana

KRIS W. KOBACH
ATTORNEY GENERAL

/s/ Abhishek S. Kambli
Abhishek S. Kambli
Deputy Attorney General
Anthony J. Powell
Solicitor General

Office of the Kansas Attorney
General
120 SW 10th Ave.
Topeka, KS 66612
(785) 296-2215
Abhishek.Kambli@ag.ks.gov
Anthony.Powell@ag.ks.gov

Counsel for State of Kansas

LYNN FITCH
ATTORNEY GENERAL

/s/ Justin L. Matheny
Justin L. Matheny
Deputy Solicitor General

Office of the Mississippi Attorney
General
P.O. Box 220
Jackson, MS 39205-0220
(601) 359-3825
justin.matheny@ago.ms.gov

Counsel for State of Mississippi

LIZ MURRILL
ATTORNEY GENERAL

/s/ J. Benjamin Aguiñaga
J. Benjamin Aguiñaga
Solicitor General
Tracy Short
Assistant Attorney General

Louisiana Department of Justice
1885 N. Third Street
Baton Rouge, LA 70804
(225) 326-6766
aguinagaj@ag.louisiana.gov
shorttt@ag.louisiana.gov

Counsel for State of Louisiana

ANDREW BAILEY
ATTORNEY GENERAL

/s/ Joshua M. Divine
Joshua M. Divine
Solicitor General

Missouri Attorney General's Office
Post Office Box 899
Jefferson City, MO 65102
Tel. (573) 751-1800
Fax. (573) 751-0774
josh.divine@ago.mo.gov

Counsel for State of Missouri

AUSTIN KNUDSEN
ATTORNEY GENERAL

/s/ Christian B. Corrigan

Christian B. Corrigan
Solicitor General

Peter M. Torstensen, Jr.
Deputy Solicitor General

Montana Department of Justice
215 North Sanders
P.O. Box 201401
Helena, MT 59620-1401
(406) 444-2026
christian.corrigan@mt.gov
peter.torstensen@mt.gov

Counsel for State of Montana

JOHN FORMELLA
ATTORNEY GENERAL

/s/ Brandon F. Chase

Brandon F. Chase
Assistant Attorney General

New Hampshire Department of
Justice
1 Granite Place South
Concord, NH 03301
(603) 271-1210
Brandon.F.Chase@doj.nh.gov

*Counsel for State of New
Hampshire*

MICHAEL T. HILGERS
ATTORNEY GENERAL

/s/ Lincoln J. Korell

Lincoln J. Korell
Assistant Solicitor General

Office of the Attorney General of
Nebraska
2115 State Capitol
Lincoln, NE 68509
(402) 471-2682
lincoln.korell@nebraska.gov

Counsel for State of Nebraska

DREW H. WRIGLEY
ATTORNEY GENERAL

/s/ Philip Axt

Philip Axt
Solicitor General

Office of Attorney General of
North Dakota
600 E. Boulevard Ave., Dept. 125
Bismarck, ND 58505
(701) 328-2210
pjaxt@nd.gov

Counsel for State of North Dakota

DAVE YOST
ATTORNEY GENERAL

/s/ T. Elliot Gaiser

T. Elliot Gaiser
Solicitor General
Mathura J. Sridharan
Deputy Solicitor General

Office of the Ohio Attorney General
365 East Broad Street
Columbus, Ohio 43215
Phone: (614) 466-8980
thomas.gaiser@ohioago.gov
mathura.sridharan@ohioago.gov

Counsel for State of Ohio

ALAN WILSON
ATTORNEY GENERAL

/s/ Joseph D. Spate

Joseph D. Spate
*Assistant Deputy Solicitor
General*

Office of the Attorney General of
South Carolina
1000 Assembly Street
Columbia, SC 29201
(803) 734-3371
josephspate@scag.gov

Counsel for State of South Carolina

GENTNER DRUMMOND
ATTORNEY GENERAL

/s/ Garry M. Gaskins, II

Garry M. Gaskins, II
Solicitor General
Jennifer L. Lewis
Deputy Attorney General

Office of the Attorney General of
Oklahoma
313 NE Twenty-First St.
Oklahoma City, OK 73105
(405) 521-3921
garry.gaskins@oag.ok.gov
jennifer.lewis@oag.ok.gov

Counsel for State of Oklahoma

MARTY J. JACKLEY
ATTORNEY GENERAL

/s/ Charles D. McGuigan

Charles D. McGuigan
Deputy Attorney General

South Dakota Attorney General's
Office
1302 E. Highway 14, Suite 1
Pierre, SD 57501
(605) 773-3215
atgservice@state.sd.us

Counsel for State of South Dakota

KEN PAXTON
ATTORNEY GENERAL

SEAN REYES
ATTORNEY GENERAL

Brent Webster
*First Assistant Attorney
General*

/s/ Stanford E. Purser
Stanford E. Purser
Solicitor General

Aaron L. Neilson
Solicitor General

Office of the Utah Attorney General
160 E. 300 S., 5th Floor
Salt Lake City, Utah 84111
385-382-4334
spurser@agutah.gov

/s/ Lanora C. Pettit
Lanora C. Pettit
*Principal Deputy Solicitor
General*

Counsel for State of Utah

Office of the Attorney General of
Texas
P.O. Box 12548, MC-066
Austin, Texas 78711-2548
(512) 463-2012 | Fax: (512) 320-0911
lanora.pettit@oag.texas.gov

Counsel for State of Texas

JASON MIYARES
ATTORNEY GENERAL

/s/ Kevin M. Gallagher
Kevin M. Gallagher
*Principal Deputy Solicitor
General*

Brendan T. Chestnut
Deputy Solicitor General

Virginia Attorney General's Office
202 North 9th Street
Richmond, VA 23219
(804) 786-2071
emaley@oag.state.va.us
kgallagher@oag.state.va.us
bchestnut@oag.state.va.us

*Counsel for Commonwealth of
Virginia*

Dated: June 26, 2024

BRIDGET HILL
ATTORNEY GENERAL

/s/ D. David DeWald
D. David DeWald
Deputy Attorney General

Office of the Attorney General of
Wyoming
109 State Capitol
Cheyenne, WY 82002
(307) 777-7895
david.dewald@wyo.gov

Counsel for State of Wyoming

CERTIFICATE OF SERVICE

I certify that, on June 26, 2024, I electronically filed the foregoing Petition for Review with the United States Court of Appeals for the Sixth Circuit through the Court's CM/ECF system.

I further certify that I will cause a true and correct copy of this petition for review, having been stamped by the Court with the date of filing, to be addressed as follows and sent by overnight Federal Express to:

Adam Raviv
Chief Counsel
National Highway Traffic Safety Administration
1200 New Jersey Avenue, SE
Washington, D.C. 20590

U.S. Department of Transportation
Office of the General Counsel
1200 New Jersey Avenue, SE
Washington, D.C. 20590

/s/ Michael R. Williams
Michael R. Williams