

No.

In the Supreme Court of the United States

VOLKSWAGEN GROUP OF AMERICA, INC., ET AL.,
PETITIONERS

v.

THE ENVIRONMENTAL PROTECTION COMMISSION OF
HILLSBOROUGH COUNTY, FLORIDA, AND SALT LAKE
COUNTY, UTAH, RESPONDENTS.

*ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT*

PETITION FOR A WRIT OF CERTIORARI

MICHAEL H. STEINBERG
SULLIVAN & CROMWELL LLP
1888 Century Park East
Los Angeles, CA 90067

JUDSON O. LITTLETON
SULLIVAN & CROMWELL LLP
1700 New York Ave., N.W.
Washington, DC 20006

ROBERT J. GIUFFRA, JR.
Counsel of Record
DAVID M.J. REIN
MATTHEW A. SCHWARTZ
SULLIVAN & CROMWELL LLP
125 Broad Street
New York, NY 10004
(212) 558-4000
giuffrar@sullcrom.com

*Counsel for Petitioners Volkswagen Group of America, Inc. and
Audi of America, LLC*

[Additional parties and counsel listed on signature page]

QUESTION PRESENTED

Title II of the Clean Air Act (“CAA”) grants the U.S. Environmental Protection Agency (“EPA”) broad and exclusive authority to enforce auto manufacturers’ compliance with CAA standards over the entire useful life of their vehicles. To avoid conflicting regulation, Congress directed that “[n]o State or any political subdivision thereof shall adopt or attempt to enforce any standard relating to the control of emissions from new motor vehicles” 42 U.S.C. § 7543(a).

Exercising its authority, EPA reached a multi-billion-dollar resolution with petitioners relating to, among other things, post-sale software updates made to their vehicles on a nationwide basis. Certain state and local governments nonetheless brought unprecedented lawsuits seeking billions more in penalties based on the same updates. The Ninth Circuit below—in direct conflict with final decisions of the Alabama Supreme Court and intermediate appellate courts in Tennessee and Minnesota—held that all 50 states and thousands of local governments may freely regulate manufacturers’ post-sale, nationwide updates to vehicle emission systems.

The question presented is whether the CAA preempts state and local governments from regulating manufacturers’ post-sale, nationwide updates to vehicle emission systems.

(I)

**PARTIES TO THE PROCEEDING
AND CORPORATE DISCLOSURE STATEMENT**

Petitioners are Volkswagen Group of America, Inc. (“VWGoA”), Audi of America, LLC, Porsche Cars North America, Inc., and Robert Bosch LLC (“Bosch”).

VWGoA is a wholly owned subsidiary of Volkswagen Aktiengesellschaft (“Volkswagen AG”). Audi of America, LLC is a wholly owned subsidiary of VWGoA. Dr. Ing. h.c. F. Porsche AG (“Porsche AG”) owns the stock of two companies that own stock of a company that owns stock in differing shares of Porsche Cars North America, Inc. and has been described as an indirect parent corporation of Porsche Cars North America, Inc. Volkswagen AG is a publicly held German corporation that owns 10% or more of the stock of VWGoA, and owns indirectly 10% or more of the stock of Porsche AG.

Petitioner Bosch is an indirect wholly owned subsidiary of Robert Bosch GmbH, which is a privately owned German company with 93.992% of its share capital being held by Robert Bosch Stiftung GmbH, a charitable foundation.

Respondents are the Environmental Protection Commission of Hillsborough County, Florida and Salt Lake County, Utah.

(II)

RELATED PROCEEDINGS

United States District Court (N.D. Cal.):

The Environmental Protection Commission of Hillsborough County, Florida v. Volkswagen AG et al., No. 16-cv-2210 (MDL No. 2672) (Apr. 16, 2018)

Salt Lake County v. Volkswagen Group of America et al., No. 16-cv-5649 (MDL No. 2672) (Apr. 16, 2018)

United States Court of Appeals (9th Cir.):

In re Volkswagen “Clean Diesel” Marketing, Sales Practices, and Products Liability Litigation, No. 18-15937 (June 1, 2020)

(III)

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(IV)

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