

Case No. \_\_\_\_\_

**UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT**

---

STATES OF NEW YORK, CALIFORNIA, CONNECTICUT, DELAWARE,  
ILLINOIS, MAINE, MARYLAND, MINNESOTA, NEW JERSEY, OREGON,  
RHODE ISLAND, VERMONT, AND WASHINGTON, AND  
COMMONWEALTHS OF MASSACHUSETTS AND PENNSYLVANIA,

Petitioners,

v.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION; PETE  
BUTTIGIEG, in his capacity as Secretary of the United States Department  
of Transportation, DR. STEVEN CLIFF, in his capacity as the Deputy  
Administrator of the National Highway Traffic Safety Administration,

Respondents.

---

**PETITION FOR REVIEW OF A FINAL RULE OF THE NATIONAL  
HIGHWAY TRAFFIC SAFETY ADMINISTRATION**

LEITITA JAMES  
Attorney General of the  
State of New York  
YUEH-RU CHU  
Section Chief, Affirmative Litigation  
GAVIN G. McCABE  
Assistant Attorney General  
Environmental Protection Bureau  
28 Liberty Street  
New York, New York 10005  
Tel: (212) 416-8469  
Email: Gavin.McCabe@ag.ny.gov

XAVIER BECERRA  
Attorney General of the  
State of California  
DAVID ZAFT  
Deputy Attorney General  
Office of the Attorney General  
300 S. Spring St., Suite 1702  
Los Angeles, California 90013  
Tel: (213) 269-6372  
Email: David.Zaft@doj.ca.gov

## **PETITION FOR REVIEW**

Pursuant to the Energy Policy and Conservation Act, Section 702 of the Administrative Procedure Act, 5 U.S.C. § 702, and Rule 15 of the Federal Rules of Appellate Procedure, the States of New York, California, Connecticut, Delaware, Illinois, Maine, Maryland, Minnesota, New Jersey, Oregon, Rhode Island, Vermont, Washington, and the Commonwealths of Massachusetts and Pennsylvania hereby petition this Court to review and set aside a final action taken by Respondents that partially reverses a Congressionally mandated inflation adjustment to the penalty for violations of the Corporate Average Fuel Economy (CAFE) standards. The rule challenged herein was published in the Federal Register on January 14, 2021. *See* 86 Fed. Reg. 3016 (Jan. 14, 2021). A copy of the challenged final rule is filed as an attachment to this Petition.

Dated: February 16, 2021

LETITIA JAMES  
Attorney General of the  
State of New York  
YUEH-RU CHU  
Section Chief, Affirmative Litigation

By: /s/ Gavin G. McCabe<sup>1</sup>

GAVIN G. MCCABE  
Assistant Attorney General  
ASHLEY GREGOR  
Special Assistant Attorney General  
Environmental Protection Bureau  
28 Liberty Street  
New York, New York 10005  
Tel: (212) 416-8469  
Email: [Gavin.McCabe@ag.ny.gov](mailto:Gavin.McCabe@ag.ny.gov)

*Attorneys for Petitioner State of New  
York*

Respectfully submitted,

XAVIER BECERRA  
Attorney General of the  
State of California  
DAVID A. ZONANA  
Supervising Deputy Attorney General  
LAURA J. ZUCKERMAN  
Deputy Attorney General

By: /s/ David Zaft

DAVID ZAFT  
Deputy Attorney General  
Office of Attorney General  
300 S. Spring St., Suite 1702  
Los Angeles, CA 90013  
Tel: (213) 269-6372  
Email: [David.Zaft@doj.ca.gov](mailto:David.Zaft@doj.ca.gov)

*Attorneys for Petitioner State of  
California*

---

<sup>1</sup> Counsel for the State of New York represents that the other parties listed in the signature blocks on this document consent to this filing.

WILLIAM TONG  
Attorney General of the  
State of Connecticut

By: /s/ Matthew I. Levine  
MATTHEW I. LEVINE  
SCOTT N. KOSCHWITZ  
Assistant Attorneys General  
Office of the Attorney General  
P.O. Box 120  
55 Elm Street  
Hartford, CT 06141-0120  
(860) 808-5250  
Email: [Scott.Koschwitz@ct.gov](mailto:Scott.Koschwitz@ct.gov)

*Attorneys for Petitioner State of  
Connecticut*

KWAME RAOUL  
Attorney General of the  
State of Illinois  
MATTHEW J. DUNN  
Chief, Environmental  
Enforcement/Asbestos Litigation  
Division  
JASON E. JAMES  
Assistant Attorney General

By: /s/ Sarah A. Hunger  
SARAH A. HUNGER  
Deputy Solicitor General  
Office of the Attorney  
General  
100 West Randolph St., 12<sup>th</sup>  
Floor  
Chicago, Illinois 60601  
Tel: (312) 814-2129  
Email: [shunger@atg.state.il.us](mailto:shunger@atg.state.il.us)

*Attorneys for Petitioner State of Illinois*

KATHLEEN JENNINGS  
Attorney General of Delaware

/s/ Christian Douglas Wright  
CHRISTIAN DOUGLAS WRIGHT  
DIRECTOR OF IMPACT LITIGATION  
JAMESON TWEEDIE  
Deputy Attorney General  
Delaware Dept. of Justice  
820 N. French Street, 6th Flr  
Wilmington, DE 19801  
Telephone: (302) 395-2604  
Email: [Christian.Wright@delaware.gov](mailto:Christian.Wright@delaware.gov)

*Attorneys for Petitioner State of  
Delaware*

AARON M. FREY  
Attorney General of the  
State of Maine

/s/ Laura E. Jensen  
LAURA E. JENSEN  
Assistant Attorney General  
6 State House Station  
Augusta, ME 04333  
Telephone: (207) 626-8868  
Fax: (207) 626-8812  
Email: [Laura.Jensen@maine.gov](mailto:Laura.Jensen@maine.gov)

*Attorneys for Petitioner State of Maine*

BRIAN E. FROSH  
Attorney General of the  
State of Maryland

By: /s/ Joshua M. Segal  
JOSHUA M. SEGAL  
Special Assistant Attorney General  
Office of the Attorney General  
200 St. Paul Place  
Baltimore, MD 21202  
(410) 576-6446  
Email: [jsegal@oag.state.md.us](mailto:jsegal@oag.state.md.us)

*Attorneys for Petitioner State of  
Maryland*

KEITH ELLISON  
Attorney General of Minnesota

/s/ Peter Farrell  
PETER FARRELL  
Assistant Attorney General  
Manager, Environmental and  
Natural Resources Division  
445 Minnesota Street, Suite  
1400 St. Paul, MN, 55101  
Telephone: (651) 757-1265  
Email: [Peter.Farrell@ag.state.mn.us](mailto:Peter.Farrell@ag.state.mn.us)

*Attorneys for Petitioner the State of  
Minnesota*

MAURA HEALEY  
Attorney General of the  
Commonwealth of Massachusetts  
MATTHEW IRELAND  
CAROL IANCU  
Assistant Attorneys General  
MEGAN HERZOG  
Special Assistant Attorney General

By: /s/ David S. Frankel  
DAVID S. FRANKEL  
Special Assistant Attorney General  
Office of the Attorney General  
Environmental Protection Division  
One Ashburton Place, 18th Floor  
Boston, MA 02108  
Telephone: (617) 963-2294  
Email: [David.Frankel@mass.gov](mailto:David.Frankel@mass.gov)

*Attorneys for Petitioner Commonwealth  
of Massachusetts*

GURBIR S. GREWAL  
Attorney General of the  
State of New Jersey

By: /s/ Willis A. Doerr  
WILLIS A. DOERR  
Assistant Attorney General  
Office of the Attorney General  
R.J. Hughes Justice Complex  
25 Market Street  
Trenton, New Jersey 08625  
Tel: (609) 376-2690  
Email: [Willis.Doerr@njoag.gov](mailto:Willis.Doerr@njoag.gov)

*Attorneys for Petitioner State of New  
Jersey*

ELLEN F. ROSENBLUM  
Attorney General of the  
State of Oregon

By: /s/ Paul Garrahan  
PAUL GARRAHAN  
Attorney-in-Charge  
STEVE NOVICK  
Special Assistant Attorney General  
Natural Resources Section  
Oregon Department of Justice  
1162 Court Street NE  
Salem, OR 97301-4096  
(503) 947-4593  
Email: [Paul.Garrahan@doj.state.or.us](mailto:Paul.Garrahan@doj.state.or.us)

*Attorneys for Petitioner State of  
Oregon*

PETER F. NERONHA  
Attorney General of the  
State of Rhode Island

By: /s/ Tricia K. Jedele  
TRICIA K. JEDELE  
Special Assistant Attorney General  
Chief of the Environment  
and Energy Unit  
Office of the Attorney General  
150 South Main Street  
Providence, RI 02903  
401 274 4400, Ext. 2039  
Email: [tjedele@riag.ri.gov](mailto:tjedele@riag.ri.gov)

*Attorneys for Petitioner State of Rhode  
Island*

JOSH SHAPIRO  
Attorney General of Pennsylvania  
MICHAEL J. FISCHER  
Chief Deputy Attorney General  
JACOB B. BOYER  
Deputy Attorney General

By: /s/ Ann R. Johnston  
ANN R. JOHNSTON  
Senior Deputy Attorney General  
Office of Attorney General  
1600 Arch St. Suite 300  
Philadelphia, PA 19103  
Telephone: (215) 560-2171  
Email: [AJohnston@attorneygeneral.gov](mailto:AJohnston@attorneygeneral.gov)

*Attorneys for Petitioner Commonwealth  
of Pennsylvania*

THOMAS J. DONOVAN, JR.  
Attorney General of the  
State of Vermont

By: /s/ Justin Kolber  
JUSTIN KOLBER  
Assistant Attorney General  
Environmental Protection Division  
109 State Street  
Montpelier, Vermont 05609  
(802) 828-3171  
Email: [Justin.Kolber@vermont.gov](mailto:Justin.Kolber@vermont.gov)

*Attorneys for Petitioner State of  
Vermont*

ROBERT W. FERGUSON  
Attorney General of the  
State of Washington

By: /s/ Emily C. Nelson  
EMILY C. NELSON  
Assistant Attorney General  
Office of the Attorney General  
P.O. Box 40117  
Olympia, Washington 98504  
Tel: (360) 586-4607  
Email: [emily.nelson@atg.wa.gov](mailto:emily.nelson@atg.wa.gov)

*Attorneys for Petitioner State of  
Washington*

