

**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

AMERICAN PETROLEUM INSTITUTE,
AMERICAN FARM BUREAU FEDERATION,
NATIONAL CORN GROWERS ASSOCIATION,
BAXTER FORD, INC., CELEBRITY MOTOR
CARS, LLC, CELEBRITY MOTORS OF TOMS
RIVER, LLC, CELEBRITY OF SPRINGFIELD,
LLC, CELEBRITY OF WESTCHESTER, LLC,
GATES NISSAN LLC, AML AUTOMOTIVE
PEORIA, LLC, LOQUERCIO AUTOMOTIVE,
INC., LOQUERCIO AUTOMOTIVE GOE, LLC,
LOQUERCIO AUTOMOTIVE GOSHEN, LLC,
LOQUERCIO AUTOMOTIVE MCH, LLC,
LOQUERCIO AUTOMOTIVE MCK, LLC,
LOQUERCIO AUTOMOTIVE SOUTH, INC.,
LOQUERCIO AUTOMOTIVE WEST, LLC,
RAECOM HOLDINGS, LLC, and TARVER
MOTOR COMPANY, INC,

Petitioners,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY and MICHAEL S.
REGAN, in his official capacity as Administrator of
the United States Environmental Protection Agency,

Respondents.

Case No. 24-1196

PETITION FOR REVIEW

Pursuant to Section 307(b)(1) of the Clean Air Act, 42 U.S.C. §7607(b)(1), Federal Rule of Appellate Procedure 15(a), and D.C. Circuit Rule 15, Petitioners American Petroleum Institute, American Farm Bureau Federation, National Corn

Growers Association, Baxter Ford, Inc., Celebrity Motor Cars, LLC, Celebrity Motors of Toms River, LLC, Celebrity of Springfield, LLC, Celebrity of Westchester, LLC, Gates Nissan LLC, AML Automotive Peoria, LLC, Loquercio Automotive, Inc., Loquercio Automotive GOE, LLC, Loquercio Automotive Goshen, LLC, Loquercio Automotive MCH, LLC, Loquercio Automotive MCK, LLC, Loquercio Automotive South, Inc., Loquercio Automotive West, LLC, Raecom Holdings, LLC, and Tarver Motor Company, Inc., petition this Court for review of the final action of Respondents the United States Environmental Protection Agency (“EPA”) and Michael S. Regan, in his official capacity as Administrator of the EPA, entitled “Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles,” published at 89 Fed. Reg. 27,842 (April 18, 2024). A copy of that final agency action is attached to this petition as Exhibit A.

EPA’s final rule exceeds the agency’s statutory authority and is otherwise arbitrary, capricious, an abuse of discretion, and not in accordance with law. *See* 5 U.S.C. §706(2)(A), (C). Petitioners accordingly ask this Court to declare unlawful and vacate EPA’s final action. *See id.* This Court has jurisdiction over this case, and venue is proper in this Court under 42 U.S.C. §7607(b)(1).

Dated: June 13, 2024

Respectfully submitted,

s/Paul D. Clement

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Counsel of Record

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Counsel for Petitioners

RULE 26.1 DISCLOSURE STATEMENT

Pursuant to Federal Rule of Appellate Procedure 26.1 and D.C. Circuit Rule 26.1, Petitioners make the following disclosures:

American Petroleum Institute (“API”) is a national trade association that represents all segments of America’s natural gas and oil industry, which supports more than 11 million U.S. jobs and is backed by a growing grassroots movement of millions of Americans. API’s nearly 600 members produce, process, and distribute most of the Nation’s energy, and participate in API Energy Excellence, which is accelerating environmental and safety progress by fostering new technologies and transparent reporting. API has no parent entity, and no publicly held corporation has a 10% or greater ownership stake in API.

American Farm Bureau Federation (“AFBF”) was formed in 1919 and is the largest nonprofit general farm organization in the United States. Representing about six million member families in all fifty States and Puerto Rico, AFBF’s members grow and raise every type of agricultural crop and commodity produced in the United States. AFBF’s mission is to protect, promote, and represent the business, economic, social, and educational interests of American farmers and ranchers. To that end, AFBF regularly participates in litigation. AFBF has no parent entity, and no publicly held corporation has a 10% or greater ownership stake in AFBF.

National Corn Growers Association (“NCGA”) is a national trade association that represents nearly 40,000 dues-paying corn growers and the interests of more than 300,000 farmers who contribute through corn checkoff programs in their states. NCGA and its 50 affiliated state associations and checkoff organizations work together to sustainably feed and fuel a growing world by creating and increasing opportunities for corn growers. NCGA has no parent entity, and no publicly held corporation has a 10% or greater ownership stake in NCGA.

Baxter Ford, Inc. is a Nebraska corporation that operates a Ford dealership in Nebraska that sells cars, trucks, and SUVs to consumers and businesses. Baxter Ford, Inc. has no parent corporation and no publicly held corporation has a 10% or greater ownership stake in Baxter Ford, Inc.

Celebrity Motor Cars, LLC, dba Lexus of Route 10, is a New Jersey-based Lexus dealership that sells light-duty vehicles and trucks. Celebrity Motor Cars, LLC has no parent corporation and no publicly held corporation has a 10% or greater ownership stake in Celebrity Motor Cars, LLC.

Celebrity Motors of Toms River, LLC, dba Celebrity Ford of Toms River, is a New Jersey-based Ford dealership that sells light-duty vehicles and trucks. Celebrity Motors of Toms River, LLC has no parent corporation and no publicly held corporation has a 10% or greater ownership stake in Celebrity Motors of Toms River, LLC.

Celebrity of Springfield, LLC, dba BMW of Springfield, is a New Jersey-based BMW dealership that sells light-duty vehicles and trucks. Celebrity of Springfield, LLC has no parent corporation and no publicly held corporation has a 10% or greater ownership stake in Celebrity of Springfield, LLC.

Celebrity of Westchester, LLC, dba Mercedes Benz of Goldens Bridge, is a New York-based Mercedes Benz dealership that sells light-duty vehicles and trucks. Celebrity of Westchester, LLC has no parent corporation and no publicly held corporation has a 10% or greater ownership stake in Celebrity of Westchester, LLC.

Gates Nissan LLC, dba Gates Nissan, operates an automobile dealership in Richmond, Kentucky. Gates Nissan LLC has no parent corporation and no publicly held corporation has a 10% or greater ownership stake in Gates Nissan LLC.

AML Automotive Peoria, LLC, dba Peoria Ford is an Illinois-based Ford dealership that sells light-duty vehicles to consumers and businesses. AML Automotive Peoria, LLC has no parent corporation and no publicly held corporation has a 10% or greater ownership stake in AML Automotive Peoria, LLC.

Loquercio Automotive, Inc., dba Elgin Hyundai, is an Illinois-based Hyundai dealership that sells light-duty vehicles to consumers and businesses. Loquercio Automotive, Inc. has no parent corporation and no publicly held corporation has a 10% or greater ownership stake in Loquercio Automotive, Inc.

Loquercio Automotive GOE, LLC, dba Genesis of Elgin, is an Illinois-based Genesis dealership that sells light-duty motor vehicles to consumers and businesses. Loquercio Automotive GOE, LLC has no parent corporation and no publicly held corporation has a 10% or greater ownership stake in Loquercio Automotive GOE, LLC.

Loquercio Automotive Goshen, LLC, dba Buick GMC of Goshen, is an Indiana-based Buick and GMC dealership that sells light-duty vehicles to consumers and businesses. Loquercio Automotive Goshen, LLC has no parent corporation and no publicly held corporation has a 10% or greater ownership stake in Loquercio Automotive Goshen, LLC.

Loquercio Automotive MCH, LLC, dba Michigan City Hyundai, is an Indiana-based Hyundai dealership that sells light-duty vehicles to consumers and businesses. Loquercio Automotive MCH, LLC has no parent corporation and no publicly held corporation has a 10% or greater ownership stake in Loquercio Automotive MCH, LLC.

Loquercio Automotive MCK, LLC, dba Michigan City Kia, is an Indiana-based Kia dealership that sells light-duty vehicles to consumers and businesses. Loquercio Automotive MCK, LLC has no parent corporation and no publicly held corporation has a 10% or greater ownership stake in Loquercio Automotive MCK, LLC.

Loquercio Automotive South, Inc., dba Honda City, is an Illinois-based Honda dealership that sells light-duty vehicles to consumers and businesses. Loquercio Automotive South, Inc. has no parent corporation and no publicly held corporation has a 10% or greater ownership stake in Loquercio Automotive South, Inc.

Loquercio Automotive West, LLC, dba Elgin Chrysler, is an Illinois-based Chrysler dealership that sells light-duty vehicles to consumers and businesses. Loquercio Automotive West, LLC has no parent corporation and no publicly held corporation has a 10% or greater ownership stake in Loquercio Automotive West, LLC.

Raecom Holdings, LLC is a Delaware limited liability company that operates seven automobile dealerships in Texas and Louisiana selling light- and medium-duty vehicles to consumers and businesses. Raecom Holdings, LLC has no parent entity, and no publicly held corporation has a 10% or greater ownership stake in Raecom Holdings, LLC.

Tarver Motor Company, Inc., dba Lake Charles Toyota, is a Louisiana-based corporation that operates a sales and service franchised dealership, facility, and related operations. Tarver Motor Company, Inc. has no parent corporation and no publicly held corporation has a 10% or greater ownership stake in Tarver Motor Company, Inc.

Dated: June 13, 2024

Respectfully submitted,

s/Paul D. Clement

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Counsel for Petitioners

CERTIFICATE OF SERVICE

I certify that on June 13, 2024, I served a copy of the foregoing petition, Exhibit A thereto, and Rule 26.1 disclosure statement by United States first-class mail on the following:

Michael S. Regan, Administrator
United States Environmental Protection Agency
Office of the Administrator
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Washington, D.C. 20460

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United States Environmental Protection Agency
Mail Code 2311
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The Honorable Merrick B. Garland
Attorney General of the United States
United States Department of Justice
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Dated: June 13, 2024

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