

86 Fed. Reg. 3016 (Jan. 14, 2021)
NHTSA

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 6th day of April, two thousand twenty-one.

Present:

Guido Calabresi,
Barrington D. Parker,
Steven J. Menashi,
Circuit Judges.

Natural Resources Defense Council, Inc., Sierra Club,

Petitioners,

v.

21-139 (L)
21-339 (Con)
21-593 (Con)

National Highway Traffic Safety Administration, Pete Buttigieg,
in his official capacity as Secretary of the United States Department
of Transportation,

*Respondents.**

As a preliminary matter, the Respondents' motion to consolidate the proceeding docketed under 21-139 with the two other pending proceedings involving petitions for review of the same rule is GRANTED. *See New York v. Nat'l Highway Traffic Safety Admin.*, 2d Cir. 21-339; *Tesla, Inc. v. Nat'l Highway Traffic Safety Admin.*, 2d Cir. 21-593.

Petitioners in 21-139 move for expedited review of their petition. Respondents oppose expedited review and cross-move to hold the petition in abeyance. Non-parties Alliance for Automotive

* The Clerk of Court is directed to amend the caption on this Court's docket to be consistent with the caption on this order. *See* Fed. R. App. P. 43(c)(2) (providing for automatic substitution of a public officer's successor).

Innovation (“AAI”) and Tesla, Inc., move for leave to intervene. Tesla additionally moves for summary vacatur of the challenged rule. Upon due consideration, it is hereby ORDERED that the motion for expedited review is DENIED, the cross-motion to hold the petition in abeyance is GRANTED, AAI’s motion to intervene is GRANTED. It is further ORDERED that Tesla’s motion to intervene is DENIED as moot because it now appears as a Petitioner in the proceeding docketed under 21-593, and its motion for summary vacatur is referred to the merits panel.

FOR THE COURT:

Catherine O’Hagan Wolfe, Clerk of Court

The image shows a handwritten signature in black ink that reads "Catherine O'Hagan Wolfe". Overlaid on the signature is the official seal of the United States Court of Appeals for the Second Circuit. The seal is circular with a blue border. Inside the border, the words "UNITED STATES" are at the top, "SECOND CIRCUIT" is in the center, and "COURT OF APPEALS" is at the bottom. There are small stars on either side of the center text.