

IN THE SUPREME COURT OF THE UNITED STATES

No. 20-807

BRADLEY LEDURE, PETITIONER

v.

UNION PACIFIC RAILROAD COMPANY

ON WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

MOTION OF THE UNITED STATES FOR LEAVE TO PARTICIPATE
IN ORAL ARGUMENT AS AMICUS CURIAE, FOR DIVIDED ARGUMENT,
AND FOR ENLARGEMENT OF TIME FOR ARGUMENT

Pursuant to Rule 28 of the Rules of this Court, the Solicitor General, on behalf of the United States, respectfully moves that the United States be granted leave to participate in the oral argument in this case as an amicus curiae supporting petitioner; that the time allotted for oral argument be enlarged to 70 minutes; and that the time be allotted as follows: 20 minutes for petitioner, 15 minutes for the United States, and 35 minutes for respondent. Petitioner has consented to this motion, and respondent does not oppose.

This case concerns when a locomotive is in "use" under the Locomotive Inspection Act (LIA), 49 U.S.C. 20701 et seq. The Court invited the United States to participate as amicus at the certiorari stage, and the United States has a substantial interest in the regulation of the railroad industry. Congress has granted the Secretary of Transportation the authority to adopt regulations under the LIA and to enforce the Act administratively. Department of Transportation Act, Pub. L. No. 89-670, § 6(e)(1)(E) and (F), 80 Stat. 939. The Secretary currently exercises that authority through the Federal Railroad Administration. See 49 U.S.C. 103(g).

The United States previously presented oral argument as amicus curiae in Kurns v. Railroad Friction Products Corp., 565 U.S. 625 (2012), which likewise involved the LIA. In light of the substantial federal interest in the question presented, the United States' participation at oral argument would materially assist the Court in its consideration of this case.

Respectfully submitted.

ELIZABETH B. PRELOGAR
Solicitor General
Counsel of Record

MARCH 2022