

June 17, 2025

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The Honorable Scott S. Harris  
Clerk of Court  
Supreme Court of the United States  
One First Street, NE  
Washington, DC 20543

Re: *Gregory Lala v. Tesla, Inc.*, No. 24-925

Dear Mr. Harris:

The Court should not delay consideration of the petition because Senate Bill 37 cannot moot respondents' due process claim. This litigation arises from an unlawful investigation instigated by the Louisiana Motor Vehicle Commission, which is controlled by automobile dealers that view Tesla as an existential threat to their business model. Brief in Opposition at 1-2. In the course of that investigation, the Commission denied Tesla's application to lease vehicles from a facility it operates in Louisiana. *Id.* at 24. The Fifth Circuit held that Tesla plausibly alleged a due process violation. *Id.* at 15-21. Senate Bill 37 cannot remedy that violation because it does not end the unlawful investigation initiated by the biased Commission. Nor does it reverse the improper denial of Tesla's leasing license. Senate Bill 37, accordingly, does not moot respondents' claim and *Munsingwear* vacatur is unwarranted. Indeed, *Munsingwear* is also improper here given that the decision only protects a losing party deprived of this Court's review "on the merits." *United States v. Munsingwear, Inc.*, 340 U.S. 36, 39 (1950). Petitioners concede they do not seek such review because they ask this Court only to grant, vacate, and remand ("GVR") the Fifth Circuit's decision. Petition at 1-2.

Petitioners instead attempt to obscure the consequences of a potential settlement. The parties have discussed an agreement that *would* resolve respondents' claims arising from the investigation and license denial, but a final agreement has not yet been reached. Importantly, "mootness by reason of settlement does not justify vacatur of a judgment under review." *U.S. Bancorp Mortg. Co. v. Bonner Mall P'ship*, 513 U.S. 18, 29 (1994). That is because "[w]here mootness results from settlement ... the losing party has voluntarily forfeited his legal remedy by the ordinary processes of appeal or certiorari, thereby surrendering his claim to the equitable remedy of vacatur." *Id.* at 25.

This case is thus nothing like *New York State Rifle & Pistol Ass'n v. City of New York*, 590 U.S. 336 (2020). That case did not involve any settlement and the petitioners were seeking merits review, not a GVR. And the change in law gave petitioners the

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authority to do exactly what they had requested—the ability to take their firearms “to a second home or shooting range outside of the city,” 590 U.S. at 338—whereas Senate Bill 37 does not end the unlawful investigation into Tesla or grant the leasing license Tesla has been denied.

The Court should thus consider—and deny—the petition at its June 18 conference as scheduled. The parties will inform the Court if a settlement is in fact reached before the Court acts on the petition.

Respectfully submitted,

*/s/ Ari Holtzblatt*

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