LIZ MURRILL
ATTORNEY GENERAL

STATE OF LOUISIANA
DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL
P.O. BOX 94005
BATON ROUGE, LA
70804-9005

June 20, 2025

VIA E-Filing

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:

I write to notify the Court that today Louisiana Governor Jeff Landry signed into law Senate Bill 37 (available at tinyurl.com/ats5h2x8). By Senate Bill 37's terms, it takes immediate effect today. As explained in my June 17 letter, Senate Bill 37 directly impacts the due process issue presented in this case by placing in the hands of *non*-industry participants—rather than Tesla's alleged competitors—the "exclusive[] exercise [of] the adjudicatory authority of the commission, including the power to issue subpoenas, compel the attendance of witnesses, administer oaths, receive evidence in connection with any hearing or other proceeding within its jurisdiction, and render final decisions." La. R.S. § 32:1253(A)(4)(b) (enrolled text). Effective immediately, therefore, the Fifth Circuit's due process holding in the opinion below—that "'the Commission as currently structured is not constitutional[],'" Pet.App.12a n.6, 18a & n.15—is no longer sound because the Louisiana Legislature and Governor Landry have changed the Louisiana Motor Vehicle Commission's structure.

Accordingly, Petitioners respectfully request that the Court vacate the due process part of the Fifth Circuit's decision below. *See Camreta v. Greene*, 563 U.S. 692, 698 (2011) ("[W]e vacate the part of the Ninth

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Circuit's opinion that decided the Fourth Amendment issue."). Vacatur is warranted in two independent respects.

First, Senate Bill 37's enactment is precisely the sort of "intervening change in law that might bear upon the [lower court's] judgment" that this Court has long understood to warrant vacatur. *Youngblood v. West Virginia*, 547 U.S. 867, 871 (2006) (Scalia, J., dissenting); *see Lawrence v. Chater*, 516 U.S. 163, 16667 (1996) ("We have GVR'd in light of a wide range of developments, including ... new state statutes ...." (citing *Louisiana v. Hays*, 512 U.S. 1230 (1994)). That understanding reflects the reality that the lower court's opinion could not have considered the "intervening development[]" and thus may "rest[] upon a premise" that is no longer correct. *Lawrence*, 516 U.S. at 167. That is the case here. The Fifth Circuit's due process holding depends on the premise that Tesla's competitors will adjudicate ongoing proceedings against Tesla. Senate Bill 37 changes that by requiring *non*-industry participants exclusively to exercise the Commission's adjudicatory power. So this is a textbook case for vacatur of the due process part of the opinion—and this Court need only cite *Lawrence* to hold as much.

Second, Senate Bill 37 creates a mootness problem that independently warrants vacatur under *United States v. Munsingwear*, 340 U.S. 36 (1950). *See New York State Rifle & Pistol Ass'n v. New York*, 590 U.S. 336, 339 (2020) (citing *Lewis v. Continental Bank Corp.*, 494 U.S. 472 (1990)). Specifically, Tesla challenged "'the Commission as currently structured,'" Pet.App.12a n.6, based on the role of industry participants in adjudicating Tesla proceedings. As Tesla's June 17 letter does not dispute, that structural challenge is now moot in light of Senate Bill 37. *New York State Rifle* thus squarely supports vacatur of the due process part of the Fifth Circuit's opinion.

In its June 17 letter, Tesla tried to avoid *Munsingwear* vacatur on three grounds, none availing. One, Tesla said that its due process claim remains live because Senate Bill 37 "does not end the unlawful investigation initiated by the biased Commission" and does not "reverse

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the improper denial of Tesla's leasing license." Tesla Letter at 1. (Remember that Tesla's complaint about a license denial comes from a proposed complaint no lower court has considered. *Compare* Reply at 8, *with* Tesla Letter at 1 (citing BIO at 24).) Setting aside whether those assertions are accurate, Tesla puts the cart before the horse. Tesla's due process request for relief stands on one claim: "the Commission is 'unconstitutionally constituted.'" Pet.App.71a; *accord* First Amended Complaint at 51, ¶ 294, *Tesla, Inc. v. La. Auto. Dealers Ass'n*, No. 22-cv-2982 (E.D. La. Jan. 11, 2023), ECF 151. That claim undisputedly is now moot—regardless whether Tesla believes it has fully obtained any corresponding relief it sought on that claim—and vacatur is warranted. *See New York State Rifle*, 590 U.S. at 339 (vacating without "here decid[ing] [a] dispute about the new rule").

Two, Tesla claimed that *Munsingwear* vacatur would be improper because Petitioners did "not seek" "this Court's review 'on the merits.'" Tesla Letter at 1 (quoting *Munsingwear*, 340 U.S. at 39). That is wrong principally because Petitioners—relying expressly on the Chief Justice's writing in *Myers v. United States*, 587 U.S. 981 (2019)—expressly urged the Court to review this case on the merits by "identifying the controlling legal error committed below" and vacating on that basis. Reply at 2 (cleaned up); Pet. at 16. But more fundamentally, Tesla misrepresents *Munsingwear*. The full sentence Tesla pulls from says that vacatur is warranted "in dealing with a civil case from a court in the federal system *which has become moot while on its way here or pending our decision on the merits*." *Munsingwear*, 340 U.S. at 106 (emphasis added). As that full context shows, *Munsingwear* vacatur is not limited to parties who seek the Court's review "on the merits." (After all, in a case that becomes moot before it reaches this Court, the losing party of course generally *cannot* seek this Court's review on the merits.) Instead, the "on the merits" language simply reflects the Court's extension of *Munsingwear* vacatur even to cases that become moot after they are submitted for decision in this Court.

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Three, and finally, Tesla tried to invoke a *Munsingwear* exception for mootness-by-settlement because "[t]he parties have discussed an agreement that would resolve respondents' claims"—"but a final agreement has not yet been reached." Tesla Letter at 1 (citing *U.S. Bancorp Mortg. Co. v. Bonner Mall P'ship*, 513 U.S. 18 (1994)). As Tesla's own description of "a potential settlement" establishes, *id.*, a settlement has not mooted Tesla's due process claim because there is no settlement. Instead, Senate Bill 37 has mooted that claim—today. That warrants straight *Munsingwear* vacatur, although, again, the Court need not even reach the *Munsingwear* question given its ordinary GVR practice detailed above.

I would be grateful if you would immediately circulate this letter to the Court.

Respectfully submitted,

/s/ J. Benjamin Aguiñaga
J. Benjamin Aguiñaga
Solicitor General
Counsel of Record
LOUISIANA DEPARTMENT OF JUSTICE
1885 N. Third St.
Baton Rouge, LA 70802
(225) 506-3746
AguinagaB@ag.louisiana.gov

cc: Ari Holtzblatt (Counsel for Respondents)