No. 25-1421

In the Supreme Court of the United States

CHRISTINA CASAREZ,

Petitioner,

v.

IRIGOYEN FARMS, INC., ET AL.,

Respondents.

On Petition for a Writ of Certiorari to the Court of Appeal of California, Fifth Appellate District

SUPPLEMENTAL BRIEF OF RESPONDENT IRIGOYEN FARMS, INC.

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CORPORATE DISCLOSURE STATEMENT

Respondent IRIGOYEN FARMS, INC. is not publicly traded, has no parent corporation and no public company owns 10% or more of its stock.

Respondent Walmart, Inc. who is not a party to this brief, is publicly traded. (NYSE: WMT)

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SUPPLEMENTAL BRIEF OF RESPONDENT IRIGOYEN FARMS, INC.

Under Rule 15.8 of the Rules of this Court, any party may file a supplemental brief while a petition for a writ of certiorari is pending, calling attention to intervening matter not available at the time of the party's last filing. The intervening matter here is the sequence of the parties' filings after Irigoyen Farms filed its brief in opposition.

Irigoyen Farms filed its brief as respondent on August 26, 2026. The next day, August 27, 2026, Respondent Walmart filed a waiver of its right to respond to the petition. On September 10, 2026, the Court directed Walmart to file a response and Walmart filed that response on October 13, 2026. Walmart's response addressed the substance of Irigoyen Farms' brief for the first time, an opportunity Walmart had only because of the Court's September 10, 2026 order compelling a response after Walmart had waived. Petitioner filed a reply to Walmart's brief on October 20, 2026.

Because Walmart's substantive response and Petitioner's reply postdate Irigoyen Farms' brief and were not available when Irigoyen Farms last filed, they are intervening matter not available at the time of Irigoyen Farms' last filing within the meaning of Rule 15.8. Irigoyen Farms respectfully submits this supplemental brief, restricted to that new matter, to

address the points Petitioner and Walmart raised only after Irigoyen Farms' brief was on file.[1]

Irigoyen Farms submits this supplemental brief to address contrary statements made in Walmart's brief in opposition; to address points Petitioner raised for the first time in her reply; and to correct a mischaracterization of Irigoyen Farms' position.

First, both Petitioner and Walmart urge a GVR as the efficient course. It is not. On a fully developed record and a published decision resting solely on preemption, a GVR would most likely send the case back only for the California Court of Appeal to reinstate the same judgment, returning the dispute to this Court and wasting the resources a GVR is supposed to conserve. Second, Petitioner's Reply separately mischaracterizes Irigoyen Farms' position, asserting that Irigoyen Farms "accepts a remand as its fallback disposition." That is not Irigoyen Farms' position. Irigoyen Farms originally opposed GVR relief and did not ask for a remand. Irigoyen Farms still opposes GVR relief and does not ask for a remand.

I. A GVR is Not the Efficient Disposition Walmart and Petitioner Describe.

Walmart urges a GVR on the ground that it "conserves the scarce resources of this Court" and lets the California Court of Appeal decide in the first

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[1] Irigoyen Farms initially sought leave to respond by motion under Rule 21, which it believed was the proper vehicle for the Court to exercise its discretion to permit a response. Following the Clerk's rejection of that motion on October 28, 2026, Irigoyen Farms presents the same limited points in this supplemental brief under Rule 15.8.

instance. Walmart's Brief in Opposition at 8-9. On the posture of this case, a GVR would do the opposite.

The record is complete. This case comes to the Court on a published decision affirming summary judgment, and the California Court of Appeal rested its judgment solely on FAAAA preemption, expressly declining to reach the parties' other arguments. Irigoyen Farms' Brief in Opposition at 1. Petitioner concedes that "[t]he summary-judgment record is fixed, and Walmart does not suggest otherwise." Reply to Walmart's Brief in Opposition at 4.

There is thus no factual development a remand could supply and a GVR would accomplish little more than a round trip. On reconsideration in light of *Montgomery v. Caribe Transport II, LLC*, 608 U.S. 219 (2026), the California Court of Appeal could easily reach the same result it reached before by holding, as it already has, that a shipper's dockside conduct lacks the direct motor-vehicle nexus the safety exception requires for a non-broker defendant, or by resting again on the threshold holding that a nonenumerated shipper may invoke § 14501(c)(1). Either path returns the case to this Court on the identical questions. That is precisely the inefficiency Irigoyen Farms' brief warned against: the threshold statutory question "must be decided by the receiving court even if remanded," and remanding it "without guidance" invites continued "conflicting, piecemeal rulings." Irigoyen's Brief in Opposition at 8-9.

The efficient course is the one Irigoyen Farms originally proposed: grant certiorari now on the threshold question whether a nonenumerated shipper or receiver may invoke § 14501(c)(1), decide it on the

clean record presented, and give the lower courts the guidance a bare remand would withhold.

II. Petitioner's Objection to a Grant Limited to the Second Question Presented Is Misplaced.

Petitioner now argues that the Court should not grant review on the second question alone because the threshold preemption question "may never need to be reached" if the safety exception applies. Reply to Walmart's Brief in Opposition. That analysis puts the cart before the horse (or the trailer before the tractor). Whether a shipper or receiver is even within the class of defendants that § 14501(c)(1) reaches is the logically antecedent question: if nonenumerated defendants cannot invoke the preemption clause, the safety exception is never implicated as to them. The second question is therefore the issue most likely to control the outcome for Irigoyen Farms, and it is a pure question of statutory interpretation presented on a clean factual record.

III. Petitioner's Reformulated Safety-Exception Question Should Not Displace the Original Second Question Presented.

Petitioner proposes that, if the Court grants plenary review, it decide whether, under *Montgomery*, the safety exception reaches claims against defendants other than brokers. Reply to Walmart's Brief in Opposition at 3. That question is not a sound vehicle here.

First, by Petitioner's and Walmart's own account, no federal appellate court has addressed the safety exception on facts like these since *Montgomery*. Walmart's Brief in Opposition at 10; Reply to Walmart's Brief in Opposition at 5.

Second, Petitioner's reformulated question presupposes that § 14501(c)(1) reaches shippers and receivers in the first place – the very premise that the second question presented would resolve. The Court should not decide the reach of the exception before deciding whether the preemption clause applies to these defendants at all.

Third, Irigoyen Farms' role differs materially from the broker in *Montgomery*. Irigoyen Farms did not select the motor carrier, the driver, or the tractor-trailer; it is the grower and shipper of the produce. The negligent-selection reasoning Petitioner draws from *Montgomery* does not translate to a shipper that played no part in choosing the carrier. Resolving the safety exception question on these facts would require the Court to apply a standard to a defendant very different from the broker before it in *Montgomery*.

IV. Irigoyen Farms' Position on Disposition.

Irigoyen Farms maintains the position stated in its original brief. It supports certiorari limited solely to the second question presented, and it opposes certiorari, summary reversal, and GVR relief on Petitioner's remaining questions. If the Court declines to resolve the threshold question now, the most it should do is deny certiorari or order a standard remand without predetermined instructions, and not a GVR that directs reconsideration and predicts the outcome.

CONCLUSION

For the foregoing reasons, and those stated in Irigoyen Farms' brief, the Court should grant certiorari limited to the second question presented and should deny summary reversal, plenary review on Petitioner's reformulated question, and GVR relief.

Respectfully submitted,

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