

IN THE SUPREME COURT OF THE UNITED STATES

No. 25-170

SUNCOR ENERGY (U.S.A.) INC., ET AL., PETITIONERS

v.

COUNTY COMMISSIONERS OF BOULDER COUNTY, ET AL.

ON WRIT OF CERTIORARI
TO THE SUPREME COURT OF COLORADO

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

Pursuant to Rules 21, 28.4, and 28.7 of the Rules of this Court, the Solicitor General, on behalf of the United States, respectfully moves for leave to participate in the oral argument in this case as amicus curiae supporting petitioners and requests that the United States be allowed 10 minutes of argument time. Petitioners consent to this motion and have agreed to cede 10 minutes of argument time to the United States. Accordingly, if this motion were granted, argument time would be divided as follows: 20 minutes for petitioners, 10 minutes for the United States, and 30 minutes for respondents.

This case concerns whether federal law precludes respondents' state-law claims seeking relief for injuries allegedly caused by the effects of interstate and international greenhouse-gas emissions on the global climate. The United States filed a brief as amicus curiae at the petition stage of this case. The United States has also filed a brief as amicus curiae at the merits stage of this case. That brief, in support of petitioners, contends that respondents' state-law claims contravene the Constitution's territorial limits on state authority and the federal government's exclusive role over foreign affairs. It also contends that respondents' state-law claims conflict with the decisionmaking scheme that Congress enacted in the Clean Air Act, 42 U.S.C. 7401 et seq.

The United States has a substantial interest in the proper interpretation of the federal constitutional and statutory provisions involved. The United States has recently brought suit to block similar attempts to impose state-law liability for global fossil-fuel emissions because such suits severely interfere with the federal government's constitutional and statutory responsibilities. See United States v. Minnesota, No. 26-cv-2456 (D. Minn.); United States v. New York, No. 25-cv-3656 (S.D.N.Y.); United States v. Vermont, No. 25-cv-463 (D. Vt.).

Although the United States is often a party to cases concerning the federal constitutional and statutory provisions involved, see, e.g., American Elec. Power Co. v. Connecticut, 564 U.S. 410 (2011), it has also frequently participated in oral argument as

amicus curiae in such cases, see, e.g., American Ins. Ass'n v. Garamendi, 539 U.S. 396 (2003); Crosby v. National Foreign Trade Council, 530 U.S. 363 (2000); International Paper Co. v. Ouellette, 479 U.S. 481 (1987). The United States' participation in oral argument in this case could therefore be of material assistance to the Court.

Respectfully submitted.

SARAH M. HARRIS
Deputy Solicitor General*
Counsel of Record

JULY 2026

* The Solicitor General is recused in this case.