

Statement of KAVANAUGH, J.

SUPREME COURT OF THE UNITED STATES

No. 24A95

WEST VIRGINIA, ET AL. *v.* ENVIRONMENTAL
PROTECTION AGENCY, ET AL.

ON APPLICATION FOR STAY

No. 24A96

NATIONAL RURAL ELECTRIC COOPERATIVE *v.*
ENVIRONMENTAL PROTECTION AGENCY, ET AL.

ON APPLICATION FOR STAY

No. 24A97

NATIONAL MINING ASSOCIATION, ET AL. *v.*
ENVIRONMENTAL PROTECTION
AGENCY, ET AL.

ON APPLICATION FOR STAY

No. 24A98

NACCO NATURAL RESOURCES CORPORATION *v.*
ENVIRONMENTAL PROTECTION AGENCY, ET AL.

ON APPLICATION FOR STAY

No. 24A105

MIDWEST OZONE GROUP *v.* ENVIRONMENTAL
PROTECTION AGENCY, ET AL.

ON APPLICATION FOR STAY

WEST VIRGINIA *v.* EPA

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No. 24A106

ELECTRIC GENERATORS FOR A SENSIBLE
TRANSITION *v.* ENVIRONMENTAL
PROTECTION AGENCY, ET AL.

ON APPLICATION FOR STAY

No. 24A116

EDISON ELECTRIC INSTITUTE, ET AL. *v.*
ENVIRONMENTAL PROTECTION AGENCY, ET AL.

ON APPLICATION FOR STAY

No. 24A117

OHIO, ET AL. *v.* ENVIRONMENTAL PROTECTION
AGENCY, ET AL.

ON APPLICATION FOR STAY

[October 16, 2024]

The applications for stay presented to THE CHIEF JUSTICE and by him referred to the Court are denied.

JUSTICE THOMAS would grant the applications for stay.

JUSTICE ALITO took no part in the consideration or decision of these applications.

Statement of JUSTICE KAVANAUGH, with whom JUSTICE GORSUCH joins, respecting the denial of applications for stay.

In my view, the applicants have shown a strong likelihood of success on the merits as to at least some of their challenges to the Environmental Protection Agency's rule. But because the applicants need not start compliance work

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until June 2025, they are unlikely to suffer irreparable harm before the Court of Appeals for the D. C. Circuit decides the merits. So this Court understandably denies the stay applications for now. Given that the D. C. Circuit is proceeding with dispatch, it should resolve the case in its current term. After the D. C. Circuit decides the case, the nonprevailing parties could, if circumstances warrant, seek appropriate relief in this Court pending this Court's disposition of any petition for certiorari, and if certiorari is granted, the ultimate disposition of the case.