

September 8, 2017

Law360 Quotes Noah Perch-Ahern on WY Ruling in Volkswagen's Diesel Emissions Case

Related Attorney(s): Noah Perch-Ahern

Related Practice(s): Environmental & Energy



Glaser Weil Partner Noah Perch-Ahern was quoted by *Law360* in a September 5, 2017 article titled "VW Gets Leg Up In State Suits After Wyo. Dismissal." The article discusses the potential implications of the dismissal of claims against Volkswagen by the state of Wyoming. This ruling of dismissal with prejudice was decided by U.S. District Judge Charles Breyer after a multidistrict litigation centralized in California federal court. Wyoming was one of numerous states to file similar lawsuits.

Mr. Perch-Ahern notes that, while "this is the first decision dismissing a state suit over the emissions cheating saga that started nearly two years ago, other judges, whether they are in state or federal court, are going to be looking at the opinion closely."

"Judge Breyer noted in his ruling that it might be more accurate to characterize state implementation plans like Wyoming's as having characteristics of both state and federal law, which could mean that his ruling is only applicable to that state and not any others," Mr. Perch-Ahern further pointed out.

However, Mr. Perch-Ahern noted that the distinction might not matter because the Judge ruled that the preemption provision, Section 209(a) of the Clean Air Act, prevents states from enforcing any emissions standards relating to new cars, not just those arising under state law.

Mr. Perch-Ahern concluded that "at the end of the day, this is going to be the way most courts come out on this."

To view the full article, please visit *Law360* (subscription required).