

NEWS & INSIGHTS

LIGHTFOOT WINS SUPREME COURT OF ALABAMA APPEAL FOR VOLKSWAGEN AG

December 17, 2018

Lightfoot, Franklin & White LLC has secured a significant appellate victory for client Volkswagen AG. On December 17, the Supreme Court of Alabama upheld a lower court's ruling that dismissed, due federal preemption, a case brought by the state of Alabama against Volkswagen in the wake of allegations the automaker used software to disguise engine emission levels.

"We are pleased that the Alabama Supreme Court has upheld the trial court's decision in this case," said Lightfoot partner **Harlan Prater**, who led the firm's team as local counsel for Volkswagen. "The court joined a growing number of courts which have concluded that these claims should not be allowed to proceed as a matter of law."

In its ruling, the appellate court said that state law did not apply in this case as it involves the federal Clean Air Act (CAA). The state of Alabama had argued the CAA gives states the right to regulate vehicle emissions. The Alabama Supreme Court disagreed, noting that the CAA supersedes applicable state laws and any other interpretation would "stand as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress."

In addition to Prater, the Lightfoot Volkswagen team included partner **Sam Franklin** and associate **Amie Vague**. Volkswagen AG was also represented by Robert Giuffra, David Rein, Matthew Schwartz and Judd Littleton of Sullivan & Cromwell LLP.