

APR 28 2016

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IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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FOR DISTRICT OF COLUMBIA CIRCUIT
FILED APR 28 2016
CLERK

COMPETITIVE ENTERPRISE INSTITUTE,)
THE CONSUMER ADVOCATES FOR)
SMOKE-FREE ALTERNATIVES)
ASSOCIATION, and)
GORDON CUMMINGS,)

Petitioners,)

v.)

UNITED STATES DEPARTMENT)
OF TRANSPORTATION, and)
ANTHONY FOXX, in his official capacity)
as Secretary of the U.S. Department of)
Transportation,)

Respondents.)

Case No. 16-1128

PETITION FOR REVIEW

Pursuant to 49 U.S.C. § 46110, 5 U.S.C. § 702, Rule 15 of the Federal Rules of Appellate Procedure, and D.C. Circuit Rule 15, the Competitive Enterprise Institute, The Consumer Advocates for Smoke-free Alternatives Association, and Gordon Cummings hereby petition this Court for review of the final rule of the respondent United States Department of Transportation entitled *Use of Electronic Cigarettes on Aircraft*, published at 81 Fed. Reg. 11,415 (March 4, 2016).

This petition is timely pursuant to 49 U.S.C. § 46110(a), as it is filed within sixty days of the rule's publication. Venue is proper in this Court pursuant to 49 U.S.C. § 46110(a).

Petitioners respectfully request that this Court declare that the Secretary acted arbitrarily, capriciously, and contrary to law in promulgating this rule, and that this Court enjoin and set it aside and provide such additional relief as may be appropriate.

Dated: April 28, 2016

Respectfully submitted,



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RULE 26.1 CORPORATE DISCLOSURE STATEMENT

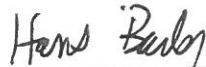
Pursuant to Federal Rule of Appellate Procedure Rule 26.1 and Circuit Rule 26.1, Petitioners make the following disclosures: Competitive Enterprise Institute is a non-profit 501(c)(3) corporation organized under the laws of the District of Columbia for the purpose of defending free enterprise, limited government, and the rule of law. It has no parent companies. No publicly-held corporation has a 10% or greater ownership interest in it.

The Consumer Advocates for Smoke-free Alternatives Association (CASAA) is a non-profit organization incorporated in Alabama. It has IRS non-

profit 501(c)(4) status. Founded in 2009, it works to protect its members' and the public's right to access reduced harm alternatives to smoking, such as E-cigarettes. CASAA has over 120,000 registered members, including thousands of users of E-cigarettes. It has no shareholders and no parent companies, and no corporation has any ownership interest in it.

Dated: April 28, 2016

Respectfully submitted,



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Counsel for Petitioners

CERTIFICATE OF SERVICE

I certify that on April 28, 2016, I served a copy of the foregoing Petition for Review and Rule 26.1 Corporate Disclosure Statement by U.S. Mail, postage prepaid on the following:

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Secretary
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