



June 20, 2025

VIA E-FILING

Ms. Molly Dwyer
Clerk of the Court
United States Court of Appeals
for the Ninth Circuit
95 Seventh Street
San Francisco, CA 94103-1526

Re: *Cedar Park Assembly of God of Kirkland, Washington v. Kreidler*
Case Nos. 23-35560, 23-35585

Dear Ms. Dwyer:

This letter notifies the Court of *Diamond Alternative Energy, LLC v. EPA*, __ S. Ct. __, No. 24-7, 2025 WL 1716141 (June 20, 2025). There, the Supreme Court ruled that gasoline producers had standing to challenge the EPA's approval of California's electric-vehicle-promoting regulation of car manufacturers because it likely decreased their sales. The same analysis applies here.

Based on "commonsense inferences" and "predictable" third-party behavior, the Court determined that causation and redressability were present. *Id.* at *9. California's electric-vehicle regulations would "likely cause downstream ... injuries to others in the chain." *Id.* (citation modified). And a court "invalidating California's regulations would likely mean more gasoline-powered automobiles, which would in turn likely mean more sales of gasoline ... by the fuel producers." *Id.* at *10.

Just so here. Pro-life churches like Cedar Park are "the targets of" Washington's abortion-coverage mandate. *Id.* at *11. Because SB 6219 "was designed to produce" abortion coverage in churches' health plans, "the likely result of [enjoining] that [statute] would be to reduce that effect on the market." *Id.* at *10. I.e., enjoining the abortion-coverage mandate's application to churches would likely mean more abortion-free group plans and that Cedar Park regains one. En.Banc.Pet.8-10.

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In *Diamond*, the Court rejected any “heightened ‘proof of redressability’ requirement” as “clos[ing] the courthouse doors to many traditional challenges to agency action.” 2025 WL 1716141, at *12. No “certain[t]y” or “evidence from ... directly regulated third parties” is necessary. *Id.* at *10–11. Judges must examine “[t]he totality of record evidence” and make “commonsense inferences” to decide whether plaintiffs “show a predictable chain of events that would likely result from judicial relief and redress” their injuries. *Id.* at *11 & n.5 (citation modified). Courts must “exercise caution before denying standing because of a claimed lack of redressability rooted in questionable economic speculation.” *Id.* at *13.

The panel majority did the opposite here, barring the courthouse doors to churches, requiring certainty and more evidence from Kaiser, ignoring the record, shunning commonsense inferences, and endorsing economic speculation, conflicting with this Court’s earlier ruling in this case. En.Banc.Pet.1–13. The petition should be granted.

Sincerely,

s/ Rory T. Gray

Rory T. Gray

Counsel for Plaintiff-Appellant

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CERTIFICATE OF COMPLIANCE

I certify that the body of this letter contains 349 words and complies with Federal Rule of Appellate Procedure 28(j) and Circuit Rule 28-6.

s/ Rory T. Gray
Rory T. Gray
ALLIANCE DEFENDING FREEDOM
1000 Hurricane Shoals Rd. NE
Suite D-1100
Lawrenceville, GA 30043
(770) 339-0774
rgray@ADFlegal.org
Counsel for Plaintiff-Appellant

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CERTIFICATE OF SERVICE

I certify that this letter was electronically filed with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit on June 20, 2025, using the appellate CM/ECF system, all participants in the case are registered CM/ECF users, and service will be accomplished by the appellate CM/ECF system.

s/ Rory T. Gray
Rory T. Gray
ALLIANCE DEFENDING FREEDOM
1000 Hurricane Shoals Rd. NE
Suite D-1100
Lawrenceville, GA 30043
(770) 339-0774
rgray@ADFlegal.org
Counsel for Plaintiff-Appellant