

(note these are NOT the only lawsuits AG has filed against EPA. they're a subset)
(here's the [list](#) updated July 2013 of status on all Abbott cases against federal government)

PolitiFact reporter Sue Owen's notes for Smitherman/EPA lawsuits story

Below are the seven cases -- grouped under Smitherman spokesman's headings -- with notations about what date the suit was filed, what the original case number was as opposed to the current case number, how the lawsuit's listing of plaintiffs refers to Smitherman or the commissions, and what position Smitherman held in the PUC or RRC when the suit was filed.

Where available a PDF showing the original date and plaintiff listing is linked
Where available the commission's letter to AG requesting lawsuit is linked

Gov. Rick Perry [appointed](#) Smitherman to the PUC on April 21, 2004, then [appointed](#) him chairman of the PUC on Nov. 7, 2007, then [appointed](#) him to a seat on the Railroad Commission on July 8, 2011, and his fellow commissioners [elected](#) him chairman Feb. 28, 2012.

Obama's first inauguration was Jan. 20, 2009.

3 cases as Chairman of the PUC:

Coalition for Responsible Regulation, Inc. et al. v. U.S. EPA: Greenhouse Gases - Endangerment Finding
Now 09-1322. Originally 10-1041 (*Feb 16 2010 was chair of PUC*) Says Smitherman as PUC chair and 10-1281 (*Sept 7 2010 was chair of PUC*) Says Smitherman as PUC chair.

PDF from PACER [10-1041](#) [10-1281](#)

Utility Air Regulatory Group v. U.S. EPA:

Greenhouse Gases - SIP Call Rule

Feb 11 2011 was chair of PUC

11-1038 Says Smitherman as member of PUC

PDF from PACER [11-1038](#)

State of Texas, et al. v. U.S. EPA:

Greenhouse Gases - FIP Rule

May 4 2011 was chair of PUC

Now 11-1128 Says Smitherman as member of PUC

PDF from PACER [11-1128](#)

2 cases on behalf of PUC:

Coalition for Responsible Regulation, Inc. et al v. U.S. EPA: Greenhouse Gases - Tailpipe Rule

July 6, 2010 was chair of PUC

10-1092 originally 10-1182 Says PUC and RRC

PDF from PACER [10-1182](#)

Greenhouse Gases

- Timing Rule and Tailoring Rule

10-1073 originally 10-1128 (*June 1 2010 was chair of PUC*) timing Says PUC and RRC and 10-1222 (*Aug 2, 2010, was chair of PUC*) tailoring Says PUC and RRC

PDF from PACER [10-1128](#) [10-1222](#)

[Letter](#) from commission

2 cases on behalf of RRC:

EME Homer City Generation, L.P. v. EPA, et al.:

Cross State Air Pollution Rule

Sept. 20, 2011 was member of RRC

11-1302 originally 11-1338 Says PUC and RRC. PUC [named](#) as a plaintiff in AG release

PDF from PACER [11-1338](#)

[Letter](#) from commission [Same](#), different source

White Stallion Energy Center, LLC, et al. v. U.S.

EPA: Mercury Air Toxics Standard

Apr 16 2012 was chairman of RRC.

12-1100 consolidated, originally 12-1185 Says PUC and RRC

PDF from PACER [12-1185](#)

[Letter](#) from commission