

No. 06-1050

IN THE
Supreme Court of the United States

**ALLSTATE INSURANCE COMPANY and
STERLING COLLISION CENTERS, INC.,**
Petitioners,

v.

GREGG ABBOTT,
in his Official Capacity as Attorney General of Texas, and
SUSAN COMBS,
in her Official Capacity as Texas Comptroller of Public
Accounts,
Respondents,

v.

**AUTOMOTIVE SERVICE ASSOCIATION and
CONSUMER CHOICE IN AUTOBODY REPAIR,**
Respondents/Intervenors.

**On Petition for Writ of Certiorari to the
United States Court of Appeals for the Fifth Circuit**

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED

This case presents a well-developed factual record and clearly-formed legal issues, allowing the Court to eliminate a widening circuit conflict over the Dormant Commerce Clause's prohibition against local economic protectionist state legislation. Two questions are presented:

1. Whether state law discrimination against an inherently interstate means of doing business (so-called "business form" discrimination) violates this Court's precedents and conflicts with the contrary interpretations of other circuits.

2. Whether the mere articulation of a purportedly legitimate state interest obviates the need for heightened scrutiny of legislation arising from an admittedly local economic protectionist motive under this Court's precedents and conflicts with the contrary interpretations of other circuits.

**RULE 14.1 STATEMENT AND CORPORATE
DISCLOSURE STATEMENT**

The caption of the case contains the names of all parties to the proceeding in the court whose judgment is sought to be reviewed.

The Petitioners in this case (Plaintiffs-Appellants/Cross-Appellees below) are Allstate Insurance Company and Sterling Collision Centers Inc.

Allstate Insurance Company is a Delaware corporation and is a wholly-owned subsidiary of Allstate Corporation. Allstate Corporation is a Delaware public corporation, it has no parent company, and no publicly held corporation owns 10% or more of its stock.

Sterling Collision Centers, Inc. is a Delaware corporation and is a wholly-owned subsidiary of Allstate Non-Insurance Holding Corporation. Allstate-Non-Insurance Holding Corporation is a Delaware corporation and is a wholly-owned subsidiary of Allstate Corporation.

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