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Citation (ci) — 252 F.3d 316, 52 ERC 1818, 31 Envtl. L. Rep. 20,753

Prelim (pr) — United States Court of Appeals,
Fourth Circuit.

Title (ti) —
WASTE MANAGEMENT HOLDINGS, INCORPORATED; Hale Intermodal Marine Company; Weanack Land Limited Partners; Charles City County; Brunswick Waste Management Facility, Plaintiffs-Appellees,
v.
James S. GILMORE, III, in his official capacity as Governor of the Commonwealth of Virginia; John Paul Woodley, Jr., in his official capacity as Secretary of Natural Resources...

Prelim (pr) —
No. 00-1185 — **Docket-number (dn)**

Argued Dec. 7, 2000.
Decided June 4, 2001.

Synopsis (sy) —
Landfill operators and transporters of municipal solid waste (MSW) commenced § 1983 action against Virginia state officials, seeking declaratory and injunctive relief, challenging five Virginia statutory provisions on the transportation and disposal of MSW under, inter alia, the dormant Commerce Clause and the Supremacy Clause. The United States District Court for the Eastern District of Virginia, James R. Spencer, J., 87 F.Supp.2d 536, held that the provisions violated the Commerce Clause and that two of them also violated the Supremacy Clause. Plaintiffs appealed. The Court of Appeals, Hamilton, Senior Circuit Judge, held...

West Headnotes

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Digest (di)

Topic (to) —
[23] KeyCite Citing References for this Headnote
83 Commerce
83II Application to Particular Subjects and Methods of Regulation
83II(B) Conduct of Business in General
83k60 Manufacture and Sale of Goods
83k60(1) k. In General. Most Cited Cases

Headnote (he) —
Under the "market participant doctrine," a state acting in its proprietary capacity as a purchaser or seller may favor its own citizens over others, but if there is no direct state involvement in the market, the strictures of the dormant Commerce Clause apply with full force. U.S.C.A. Const. Art. 1, § 8, cl. 3.

Words-phrases (wp) — "market participant doctrine,"

West-codenotes (wcn) —
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Held Unconstitutional
Va.Code 1950, § 10.1-1408.1, subd. Q
Va.Code 1950, § 10.1-1408.3
Va.Code 1950, § 10.1-1454.3, subds. A, D

Attorney (at) —
*322 ARGUED: Stewart Todd Leeth, Assistant Attorney General, Richmond, VA, for Appellants. Evan Mark Tager, Mayer, Brown & Platt, Washington, DC; Timothy George Hayes, Hunton & Williams, Richmond, VA, for Appellees. ON BRIEF: Mark L. Earley, Attorney General of Virginia, William H. Hurd, Solicitor General, Roger L. Chaffe, Senior Assistant Attorney General...

Panel (pa) — Before WIDENER and KING, Circuit Judges, and HAMILTON, Senior Circuit Judge.

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OPINION

Opinions (op)

Judge (ju) — HAMILTON, Senior Circuit Judge:

Lead (le) —
In March and April 1999, the Commonwealth of Virginia's (Virginia) General Assembly, its legislative body, enacted and the Governor of Virginia signed into law five statutory provisions, which, collectively, cap the amount of municipal solid waste (MSW) that may be accepted by landfills ...
...Finally, we vacate the district court's entry of judgment against Governor Gilmore and remand with instructions that the district court dismiss him as a party in this action.
AFFIRMED IN PART, VACATED IN PART, AND REMANDED.

Concurring (con) and/or Dissenting (dis) —
WIDENER, Circuit Judge, concurring:
I concur in all of the opinion of the court except Part IV.A, and I concur in the result that Part IV.A obtains....

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Published 10/09. Material #40913204. Replaces Material #40792278.

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