GRAND PARK LAW GROUP
A PROFESSIONAL CORPORATION

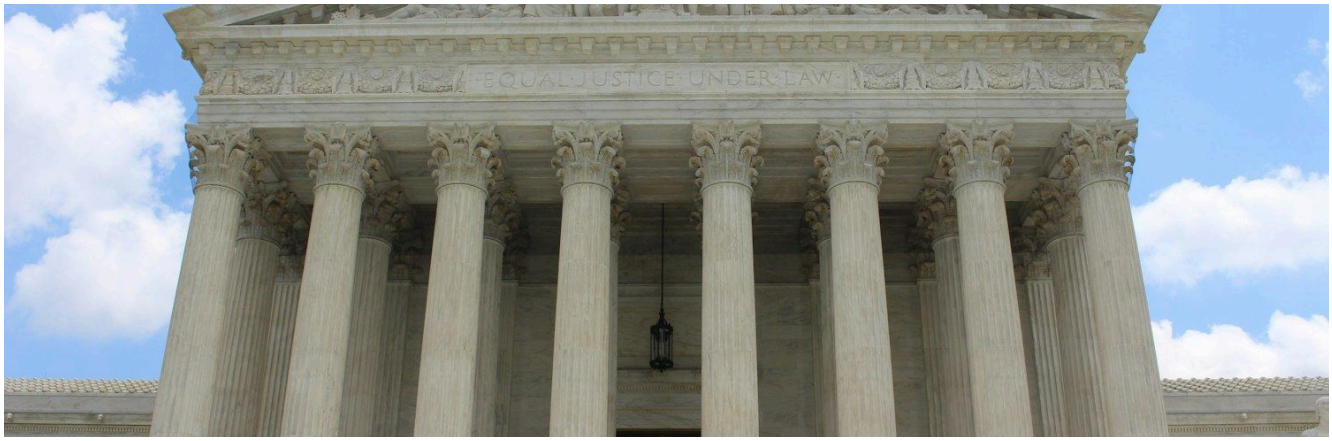
WESTSIDE TOWERS
11835 W. Olympic Boulevard #870E
Los Angeles, California 90064

O:+1 888.629.4754
F: +1 310.900.0805

INSIGHT

Q2 2024 Legal Review: The Fall of Chevron Deference — How Loper Bright Reshapes Regulatory Litigation

Grand Park Law Group · June 30, 2024 · 10 min read



The Supreme Court's landmark decision in Loper Bright Enterprises v. Raimondo eliminated forty years of Chevron deference, restoring de novo judicial review over agency interpretations.

In June 2024, the United States Supreme Court delivered its most consequential administrative law decision in decades: *Loper Bright Enterprises v. Raimondo*, 144 S. Ct. 2244 (2024), overruling the forty-year-old doctrine of *Chevron* deference. The decision mandates that federal courts exercise independent, de novo judgment when interpreting federal statutes, altering regulatory litigation across employment, environmental, health, and financial sectors.

I. The Elimination of Chevron Deference

Under *Chevron U.S.A. Inc. v. Natural Resources Defense Council, Inc.* (1984) 467 U.S. 837, federal courts were required to defer to an administrative agency's reasonable interpretation of an ambiguous statute that the agency administered. In a 6-3 opinion authored by Chief Justice Roberts, the Court held that *Chevron* deference is irreconcilable with the Administrative Procedure Act (APA), 5 U.S.C. § 706, which commands that 'the reviewing court shall decide all relevant questions of law [and] interpret constitutional and statutory provisions.'

The Court held that statutory ambiguity does not constitute an implicit delegation of interpretive authority to the executive branch. Instead, the judiciary retains the exclusive constitutional duty to say what the law is, reviving the persuasive standard of *Skidmore v. Swift & Co.* (1944) 323 U.S. 134, where agency interpretations are given weight only to the extent they possess the power to persuade.

| Beverly Hills • San Francisco • San Diego • Chicago |
| Main: (888) 629-GPLG (4754) • Fax: (310) 900-0805 • www.GrandParkLawGroup.com |

II. ## The Extended Reach of Corner Post v. Board of Governors

Days later, in *Corner Post, Inc. v. Board of Governors of the Federal Reserve System*, 144 S. Ct. 2440 (2024), the Court further amplified the impact of *Loper Bright* by holding that the six-year statute of limitations for challenging federal agency regulations under the APA (28 U.S.C. § 2401(a)) does not begin when the rule is published, but rather when the specific plaintiff first suffers injury from the regulation.

Together, *Loper Bright* and *Corner Post* reopened decades of established federal regulations to judicial challenges by newly formed commercial entities, destabilizing settled administrative frameworks across the country.

III. ## Tactical Implications for Complex Commercial Litigation

The demise of *Chevron* creates new strategic opportunities and responsibilities for litigators:

- **Aggressive APA Challenges:** Regulated businesses facing onerous federal agency rules (from the FTC, SEC, EPA, OSHA, and NLRB) have significantly enhanced prospects of securing preliminary injunctions and vacatur without facing judicial deference to agency interpretations.
- **Strict Textualist Briefing:** Federal litigation requires rigorous statutory construction, focusing on plain language, linguistic canons, structural context, and statutory history.
- **State vs. Federal Dynamics:** California state courts operating under the California APA continue to apply independent judgment while granting respectful consideration to state agencies under *Yamaha Corp. of America v. State Bd. of Equalization* (1998) 19 Cal.4th 1, creating procedural differences between state and federal forums.

Topics Administrative Law · Supreme Court · Regulatory Litigation · Statutory Interpretation

Publication Legal News & Opinion · June 30, 2024

Available online at grandparklawgroup.com/insights/articles/quarterly-2024-q2-fall-of-chevron-loper-bright. This publication is provided for general information and is not legal advice.
© 2026 Grand Park Law Group, A.P.C. Attorney Advertising.

| Beverly Hills • San Francisco • San Diego • Chicago |
| Main: (888) 629-GPLG (4754) • Fax: (310) 900-0805 • www.GrandParkLawGroup.com |