

ALITO, J., dissenting

SUPREME COURT OF THE UNITED STATES

No. 06–666

DEPARTMENT OF REVENUE OF KENTUCKY, ET AL.,
PETITIONERS *v.* GEORGE W. DAVIS ET UX.

ON WRIT OF CERTIORARI TO THE COURT OF APPEALS OF
KENTUCKY

[May 19, 2008]

JUSTICE ALITO, dissenting.

I proceed in this case, as I did in *United Haulers Assn., Inc. v. Oneida-Herkimer Solid Waste Management Authority*, 550 U. S. ___, ___ (2007) (dissenting opinion), on the assumption that the Court’s established dormant Commerce Clause precedents should be followed, and on that assumption, I entirely agree with and join JUSTICE KENNEDY’s dissent.