

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF KENTUCKY  
FRANKFORT DIVISION  
CIVIL ACTION NO. 3:23-cv-00007-GFVT (lead case,  
consolidated with No. 3:23-cv-00008-GFVT)

COMMONWEALTH OF KENTUCKY;	)
KENTUCKY CHAMBER OF COMMERCE;	)
CHAMBER OF COMMERCE OF THE	)
UNITED STATES OF AMERICA;	)
ASSOCIATED GENERAL CONTRACTORS OF	)
KENTUCKY, INC.;	)
HOME BUILDERS ASSOCIATION OF KENTUCKY;	)
PORTLAND CEMENT ASSOCIATION; and	)
GEORGIA CHAMBER OF COMMERCE,	)
	)
Plaintiffs,	)
	)
v.	)
	)
UNITED STATES ENVIRONMENTAL PROTECTION	)
AGENCY, ET AL.,	)
	)
Defendants.	)
	)

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**PRIVATE-SECTOR PLAINTIFFS’ NOTICE OF VOLUNTARY DISMISSAL  
WITHOUT PREJUDICE PURSUANT TO  
FEDERAL RULE OF CIVIL PROCEDURE 41(a)(1)(A)(i)**

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Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), Plaintiffs Kentucky Chamber of Commerce, Chamber of Commerce of the United States of America, Associated General Contractors of Kentucky, Inc., Home Builders Association of Kentucky, Portland Cement Association, and Georgia Chamber of Commerce, hereby give notice of the dismissal without prejudice of their Complaint against all Defendants. Voluntary dismissal without prejudice and without a court order is appropriate under Federal Rule of Civil Procedure 41(a)(1)(A)(i) because Defendants have not served either an answer or a motion for summary judgment. *See Aamot v.*

*Kassel*, 1 F.3d 441, 444 (6th Cir. 1993) (voluntary dismissal under rule 41(a)(1)(A)(i) is permissible “unless a defendant has filed an answer or summary judgment motion” even if other motions have been filed).

Dated: October 4, 2024

Respectfully submitted,

/s/ Elbert Lin

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**CERTIFICATE OF SERVICE**

I certify that on this 4th day of October 2024, I filed a copy of the above document with the Court’s electronic-filing system, which will send an electronic copy to all counsel.

/s/ Elbert Lin \_\_\_\_\_