

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF KENTUCKY  
LOUISVILLE DIVISION**

KATHY LITTLE; GREG WALKER and  
DEBRA L. WALKER, husband and wife;  
RICHARD EVANS; and PHILLIP  
WHITAKER and FAYE WHITAKER,  
husband and wife; on behalf of themselves and  
all others similarly situated,

Plaintiffs,

v.

LOUISVILLE GAS AND ELECTRIC  
COMPANY and PPL CORPORATION,

Defendants.

C.A. No. 3:13-CV-1214-JHM

**ORDER**

This matter is before the Court on Defendants' Motion to Certify for Interlocutory Appeal and for Stay Pending Resolution of any Appeal. Upon consideration of Defendants' motion and all other relevant materials, **IT IS HEREBY ORDERED** that:

1. Under 28 U.S.C. § 1292(b), the Court certifies for interlocutory appeal the portion of its July 17, 2014 Memorandum Opinion and Order that denied Defendants' motion to dismiss Plaintiffs' state common law claims on preemption grounds under the Clean Air Act. In particular, the Court finds that:

a. the preemptive effect of the Clean Air Act on Plaintiffs' state common law claims is a controlling question of law in this case;


b. there exists substantial ground for difference of opinion on the preemption issue; and

c. an immediate appeal from the Court's July 17, 2014 Memorandum Opinion and Order may materially advance the ultimate termination of the litigation.

2. In light of the Court's certification under 28 U.S.C. § 1292(b), the Court exercises its discretion and stays further proceedings in this Court until the United States Court of Appeals for the Sixth Circuit either (a) refuses to accept this matter for interlocutory appeal or (b) has ruled on the interlocutory appeal and issued its mandate to this Court.

**IT IS SO ORDERED.**

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Joseph H. McKinley, Jr., Chief Judge  
United States District Court

August 18, 2014