

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF KENTUCKY  
FRANKFORT DIVISION  
CIVIL ACTION NO. 3:23-cv-00008-GFVT

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| 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.                            | ) |
|  | ) |

**PLAINTIFFS’ MOTION FOR PRELIMINARY INJUNCTION**

Pursuant to Rule 65 of the Federal Rules of Civil Procedure, Plaintiffs move this Court for the issuance of a preliminary injunction against enforcement of the Final Rule entitled Revised Definition of “Waters of the United States,” 88 Fed. Reg. 3,004 (Jan. 18, 2023). In support of this Motion, Plaintiffs rely on the following:

1. Plaintiffs’ memorandum in support of the motion for a preliminary injunction;
2. Plaintiffs’ complaint;
3. The Declaration of Louis Baer;
4. The Declaration of Martin Durbin;
5. The Declaration of Jason Heck;
6. The Declaration of Van Mitchell;

7. The Declaration of Jerry O'Bryan;
8. The Declaration of Daniela Perry;
9. The Declaration of Anetha Sanford;
10. The Declaration of Colin Stout;
11. The Declaration of Trip Tollison;
12. The Declaration of Richard Vincent;
13. The Declaration of Ashli Watts; and
14. A proposed order granting injunctive relief.

Plaintiffs respectfully request a hearing on their motion for a preliminary injunction.

Dated: February 22, 2023

/s/ Charles E. English, Jr.

Charles E. English, Jr. (“Buzz”)  
Sarah P. Jarboe  
LaJuana S. Wilcher  
English, Lucas, Priest & Owsley, LLP  
1101 College Street; P.O. Box 770  
Bowling Green, KY 42102-0770  
(270) 781-6500  
benglish@elpolaw.com  
lwilcher@elpolaw.com  
sjarboe@elpolaw.com

Elbert Lin (*pro hac vice pending*)  
Hunton Andrews Kurth LLP  
951 East Byrd Street, East Tower  
Richmond, VA 23219  
(804) 788-8200  
elin@HuntonAK.com

Matthew Z. Leopold (*pro hac vice pending*)  
Kerry L. McGrath (*pro hac vice pending*)  
Erica N. Peterson (*pro hac vice pending*)  
Hunton Andrews Kurth LLP  
2200 Pennsylvania Avenue, NW  
Washington, DC 20037  
(202) 955-1500  
mleopold@HuntonAK.com  
kmcgrath@HuntonAK.com  
epeterson@HuntonAK.com  
*Counsel for 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*

Andrew R. Varcoe (*pro hac vice pending*)  
Stephanie A. Maloney (*pro hac vice pending*)  
U.S. Chamber Litigation Center  
1615 H Street, NW  
Washington, DC 20062  
(202) 463-5337  
avarcoe@USChamber.com  
smaloney@USChamber.com  
*Counsel for Plaintiff Chamber of Commerce of the  
United States of America*

**CERTIFICATE OF SERVICE**

I certify that on this 22nd day of February 2023, I filed a copy of this Motion For A Preliminary Injunction with the Court's electronic-filing system, which will send an electronic copy to all counsel.

*/s/ Charles E. English*

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CHARLES E. ENGLISH, JR.