

Case No. 15-3823

**IN THE UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA, ET AL.,

Petitioners,

v.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, ET AL.,

Respondents.

On Petition for Review of a Final Rule of
the U.S. Environmental Protection Agency and
the United States Army Corps of Engineers

**MOTION TO DISMISS OF CHAMBER OF COMMERCE OF
THE UNITED STATES OF AMERICA, NATIONAL FEDERATION
OF INDEPENDENT BUSINESS, STATE CHAMBER OF OKLAHOMA,
TULSA REGIONAL CHAMBER OF COMMERCE, AND PORTLAND
CEMENT ASSOCIATION**

Petitioners Chamber of Commerce of the United States of America, National Federation of Independent Business, State Chamber of Oklahoma, Tulsa Regional Chamber of Commerce, and Portland Cement Association (collectively, “Private Petitioners”) respectfully request that this Court dismiss their petition for review in this matter for lack of subject-matter jurisdiction. Private Petitioners join in State Petitioners’ motion to dismiss (*see* No. 15-3799, Doc. 23), and in the interest of judicial economy, Private Petitioners hereby adopt and incorporate by reference the

arguments of State Petitioners in support of dismissal for lack of subject-matter jurisdiction.

Dated: October 2, 2015

Respectfully submitted,

/s/ William S. Consovoy

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Chamber, and Portland Cement
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CERTIFICATE OF SERVICE

I hereby certify that on October 2, 2015, a true and correct copy of the foregoing was filed with the Clerk of the United States Court of Appeals for the Sixth Circuit via the Court's CM/ECF system, which will send notice of such filing to all counsel who are registered CM/ECF users.

/s/ William S. Consovoy

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