

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
PADUCAH DIVISION

COMMONWEALTH OF KENTUCKY, ET AL.

v.

No. 5:23-cv-162-BJB

FEDERAL HIGHWAY ADMINISTRATION, ET AL.

ORDER

In response to the preliminary-injunction motion filed on January 12th, *see* DN 28, today Judge Beaton held a remote status conference. To facilitate the orderly briefing and consideration of the issues raised by the Plaintiffs’ motion, counsel advised that before the hearing they had agreed to a 45-day postponement (until March 17th) of any enforcement of the Emissions Rule’s requirement that states submit carbon dioxide targets by February 1, 2024. The parties also agreed to a briefing schedule, which the Court approves:

**February 14, 2024** Response to preliminary-injunction motion

**February 28, 2024** Reply

To efficiently further this litigation, the Court further orders counsel to confer and file a joint or separate status report regarding:

**Week of March 4, 2024** Potential dates for a (remote) oral argument

**March 29, 2024** Potential extension of the postponement to allow for argument and the preparation of a reasoned opinion

**Summary judgment** Potential conversion of the preliminary-injunction motion to cross-motions for summary judgment, and how that might narrow or expand the issues and record before the Court.

The status report(s) are due no later than **February 2, 2024**. Counsel may raise any other issues appropriate for the Court’s consideration that would facilitate the just, speedy, and inexpensive determination of this dispute.



Benjamin Beaton, District Judge  
United States District Court

January 19, 2024