

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY  
CENTRAL DIVISION  
FRANKFORT

COMMONWEALTH OF KENTUCKY, )  
 )  
 Plaintiffs, )  
 )  
 v. )  
 )  
 UNITED STATES ENVIRONMENTAL )  
 PROTECTION AGENCY, *et al.*, )  
 )  
 Defendants. )  
 )

Civil No. 3:23-cv-00007-GFVT

**ORDER**

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This matter is before the Court on the Plaintiff’s Motion to Consolidate [R. 7] and the Defendants Motion for Leave to file a consolidation opposition and to file excess pages [R. 13]. The Plaintiffs ask the Court to consolidate this matter with a related case, *Kentucky Chamber of Commerce, et al. v. EPA, et al.*, 3:23-cv-00008-GFVT. [R. 7.] The Defendants consent to consolidation and ask for leave to file a consolidated opposition not to exceed fifty pages. [R. 13.] They indicate that the Plaintiffs in both cases do not oppose the request, so long as they receive a corresponding extension of pages for their replies. [*Id.* at 2; R. 15.] The Court agrees that a consolidated response promotes efficiency and that a fifty-page limit is appropriate. The Court reserves ruling on whether the Plaintiffs are entitled to excess pages until presented with the Plaintiffs’ Motions for Leave to file excess pages. Accordingly, and the Court being sufficiently advised, it is hereby **ORDERED** as follows:

1. The Plaintiffs’ Motion to Consolidate [R. 7] is **GRANTED**;
2. Frankfort Civil Action No. 3:23-cv-00007-GFVT and Frankfort Civil Action No. 3:23-cv-00008 are **CONSOLIDATED** for all purposes;

3. The lead case **SHALL** hereafter be 3:23-cv-00007-GFVT;
4. All further docketing **SHALL** occur in the lead case; and,
5. The Defendants' Motion for Leave to file a consolidated response and to file excess pages [R. 13] is **GRANTED**.

This the 27th day of February, 2023.

The image shows a handwritten signature in black ink, which appears to read "Gregory F. Van Tatenhove". The signature is written over a circular official seal. The seal features an eagle with wings spread, perched on a shield, and is surrounded by the text "UNITED STATES DISTRICT COURT" at the top and "EASTERN DISTRICT OF KENTUCKY" at the bottom.

Gregory F. Van Tatenhove  
United States District Judge