

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY  
CENTRAL DIVISION  
FRANKFORT

COMMONWEALTH OF KENTUCKY,

Plaintiff,

V.

UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY, *et al.*,

Defendant.

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

**ORDER**

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This matter is before the Court on the Defendants’ request for a sixth month stay. The Parties noted that the U.S. Environmental Protection Agency and the U.S. Department of the Army “issued new guidance” directly impacting the issue in this case. [R. 92 at 1.] Further, the Agencies “announced a notice to be published in the Federal Register establishing a public docket and soliciting stakeholder input to assist the Agencies in further clarifying the definition of ‘waters of the United States.’” *Id.* In light of these developments, the Parties request additional time to “allow Agencies time to conduct the listening sessions, receive and review public comments, and to undertake any further action as appropriate.” *Id.* at 2. The Court previously granted the Defendants request for a 60 day stay to allow “time to brief the new leadership regarding the issues raised in this case.” [R. 90 at 1.] The Plaintiffs do not object to a brief stay in this matter. *Id.* at 3. Accordingly, and the Court being otherwise sufficiently advised, it is hereby **ORDERED** as follows:

1. The Clerk **SHALL** convert the Joint Status Report [R. 92] to a Joint Motion to Stay;

2. The Parties' Joint Motion to Stay [R. 92] is **GRANTED**;
3. This action, including all pending deadlines, shall be **STAYED** until October 14, 2025; and
4. The Parties **SHALL** file a joint status report within 14 days before the end of the abeyance period.

This the 3rd day of April, 2025.

The image shows a handwritten signature in black ink, which appears to read "Gregory F. Van Tatenhove", written over a circular official seal. The seal contains the text "UNITED STATES DISTRICT COURT" at the top and "WESTERN DISTRICT OF KENTUCKY" at the bottom, with an eagle emblem in the center.

Gregory F. Van Tatenhove  
United States District Judge