

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION
FRANKFORT**

**MID-AMERICA MILLING COMPANY,
LLC, *et al.*,**

Plaintiffs,

v.

**UNITED STATES DEPARTMENT OF
TRANSPORTATION, *et al.*,**

Defendants.

Case No. 3:23-cv-00072-GFVT-EBA

JOINT MOTION FOR ENTRY OF CONSENT ORDER

Plaintiffs Mid-America Milling Company, LLC and Bagshaw Trucking Inc., and Defendants the United States Department of Transportation, Sean Duffy, Secretary of Transportation, the Administrator of the Federal Highway Administration, and Shundreka Givan, Division Administrator of the Federal Highway Administration's Kentucky Division (collectively, "DOT"), jointly move for entry of the attached Consent Order. On October 26, 2023, Plaintiffs filed this action under the Fifth Amendment to the United States Constitution and the Administrative Procedure Act. ECF No. 1. On October 7, 2024, DOT filed an Answer denying the allegations in the Complaint. ECF No. 45. Without admitting liability, DOT nevertheless wishes to resolve this matter, and they hereby consent to the Court's entry of judgment in this case and the permanent injunction embodied in Section III of the Consent Order. Therefore, Plaintiffs and DOT waive findings of fact and conclusions of law under Federal Rules of Civil Procedure 52 and 65 and request that the Court approve, sign, and enter the attached Consent Order as its final order and judgment in this case.

Plaintiffs and DOT are also aware of the Memorandum Opinion and Order filed on May 21, 2025 by Magistrate Judge Edward B. Atkins, granting the Intervenor DBEs' Motion to Intervene as Defendants in the above-captioned matter. Plaintiffs and DOT make no representation as to the position of the Intervenor-Defendants.

Dated: May 28, 2025

Respectfully submitted,

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/s/Andrew Braniff
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