

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS

INSTITUTE FOR HAZARDOUS MATERIALS
PACKAGING AND CERTIFICATION TESTING, INC.,
A nonprofit association,

Plaintiff,

v.

PETER PAUL MONTGOMERY BUTTIGIEG,
Secretary of the Department of Transportation, in his official capacity,

and

THE UNITED STATES DEPARTMENT OF
TRANSPORTATION, an Executive Branch Agency,

Defendants.

MOTION FOR PRELIMINARY INJUNCTION

Plaintiff Institute for Hazardous Materials Packaging and Certification Testing, Inc. hereby moves the Court pursuant to Rule 65 of the Federal Rules of Civil Procedure for a preliminary injunction enjoining Defendants Peter Paul Montgomery Buttigieg, in his official capacity as Secretary of Transportation, and the U.S. Department of Transportation, from rescinding regulations at 49 CFR Part 5 Subpart D – Enforcement Procedures, 49 CFR § 5.53 et seq., and denying plaintiff's members the substantive protections thereunder. *See* Dep't of Transp., *Administrative Rulemaking, Guidance, and Enforcement Procedures*, 86 Fed. Reg. 17292 (Apr. 2, 2021). A memorandum of law supporting this motion is attached.

Pursuant to Local Rule 7.1, attorneys for Plaintiff and Defendants have conferred to determine this motion is opposed. A certificate of conference is attached. Plaintiff respectfully requests an

expedited briefing schedule on this motion to permit this Court to resolve this motion as quickly as possible and restore its members' rights.

Respectfully,

/s/ Sheng Li

Sheng Li (*pro hac vice*)

Reed Rubenstein (*pro hac vice*)

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CERTIFICATE OF CONFERENCE

I certify that attorneys for Plaintiff and Defendants conferred on May 26, 2021, and determined this motion is opposed.

/s/Sheng Li

CERTIFICATE OF SERVICE

I hereby certify that on May 28, 2021, an electronic copy of the foregoing motion for preliminary injunction and supporting memorandum were filed with the Clerk of Court for the United States District Court for the Northern District of Texas using the CM/ECF filing system and that service upon counsel for the parties will be accomplished using the CM/ECF system.

/s/Sheng Li