

Pursuant to Rule 56 of the Federal Rules of Civil Procedure, Plaintiffs National Association of Manufacturers and Virginia Manufacturers Association (together, “Plaintiffs”), hereby move this Court for an Order (i) granting summary judgment in their favor on all claims stated in their Complaint, (ii) declaring the Final Rule challenged in the Complaint null and void *ab initio*, and (iii) preliminarily and permanently enjoining enforcement of such Rule. As more fully set forth in the Memorandum in Support which is incorporated herein, it is respectfully submitted that there are no genuine issues of material fact and Plaintiffs are entitled to judgment as a matter of law.

WHEREFORE, Plaintiffs request that their Motion for Summary Judgment be granted.

A proposed order is attached.

Dated: May 1, 2014.

Respectfully submitted,

/s/ Peter N. Kirsanow

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**CERTIFICATE OF SERVICE**

This is to certify that the foregoing Motion for Summary Judgment and accompanying Memorandum in Support were filed electronically on the 1<sup>st</sup> day of May, 2014 in accordance with the Court's Electronic Filing Guidelines. Notice of this filing will be sent to all parties by operation of the Court's Electronic Filing System. Parties may access this filing through the Court's Filing System.

/s/ Peter N. Kirsanow

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