

In the alternative, for the reasons also set forth in the accompanying memorandum, Defendants move to transfer this case to the United States District Court for the District of Columbia or to the McAllen Division of the Southern District of Texas, under 28 U.S.C. § 1406(a) or (if the Court finds appropriate) 28 U.S.C. § 1404(a). Pursuant to Local Rules 7.1(b) and (h), undersigned counsel certifies that on March 19, 2026, she conferred over email with Chance Weldon of Plaintiffs' counsel regarding Defendants' alternate request to transfer this case. Plaintiffs stated that they opposed dismissal and transfer of venue.

Alternatively, Defendants cross-move for summary judgment pursuant to Federal Rule of Civil Procedure 56 for the reasons also set forth in the accompanying memorandum, including that Section 6(b) of the Occupational Safety and Health Act contains an intelligible principle and is constitutional.¹

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Respectfully submitted,

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¹ Defendants do not rely on any evidence in support of their motion for summary judgment that would be required to be included in an appendix under the Court's First Amended Scheduling Order, *see* ECF No. 22. Accordingly, Defendants have not submitted an appendix with their filing. Defendants further note that Plaintiffs likewise did not submit an appendix in support of their motion for summary judgment.

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