

No. 21-4114, 21-7000
IN THE UNITED STATES COURTOF APPEALS
FOR THE SIXTH CIRCUIT

BETTEN CHEVROLET, INC.,
PETITIONER,

v.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION,
DEPARTMENT OF LABOR, AND
MARTIN J. WALSH, U.S. SECRETARY OF LABOR
RESPONDENTS

**PETITIONER’S RESPONSE TO GOVERNMENT’S MOTION TO
DISMISS**

Betten Chevrolet, Inc. does not oppose the Government’s Motion to Dismiss, provided that the Court vacates the December 17, 2021 Opinion (Dkt. 387) under *United States v. Munsingwear, Inc.*, 340 U.S. 36, 39-40 (1950).

Dated: February 4, 2022

Respectfully submitted,

By: /s/Christopher Wiest

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CERTIFICATE OF SERVICE

I hereby certify that on February 4, 2022, I caused a copy of this Response to Government's Motion to Dismiss, to be served on all parties by the Court CM/ECF system.

Dated: February 4, 2022

Respectfully submitted,

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