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VIA CM/ECF & HAND DELIVERY

The Honorable Christopher Burke
United States District Court
844 North King Street
Wilmington, DE 19801

**Re: *Midwest Energy Emissions Corp., et. al v. Arthur J. Gallagher & Co., et al.*,
C.A. No. 19-1334-CJB**

Dear Judge Burke:

The Parties jointly write to inform Your Honor of an issue recently discovered which may impact the upcoming trial beginning on February 26, 2024. Defendants believe that one of the Plaintiffs, MES Inc., lacks constitutional standing and must be dismissed from this case. Defendants and Plaintiffs are attempting to resolve this issue before trial begins on Monday, but the Parties wanted to make the Court aware of this issue now and will keep the Court apprised of any developments. The Parties will prepare proposed revised preliminary jury instructions in the event MES Inc. is dismissed, but the parties do not otherwise anticipate changes to the trial schedule.

Respectfully submitted,

/s/ Kenneth L. Dorsney

Kenneth L. Dorsney (#3726)

cc: All counsel of record (via CM/ECF and electronic mail)