

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MILWAUKEE ELECTRIC TOOL
CORPORATION,

Plaintiff,

v.

KLEIN TOOLS, INC.,

Defendant.

Case No. 1:25-cv-04689

JURY TRIAL DEMANDED

**PLAINTIFF’S OPPOSED MOTION FOR VOLUNTARY DISMISSAL
OF PLAINTIFF’S FIRST AMENDED COMPLAINT WITHOUT PREJUDICE
AND DISMISSAL OF DEFENDANT’S COUNTERCLAIMS WITHOUT PREJUDICE**

Milwaukee Electric Tool Corporation (“Milwaukee”), through its undersigned counsel, submits this Opposed Motion for Voluntary Dismissal of Plaintiff’s First Amended Complaint Without Prejudice, pursuant to Federal Rule of Civil Procedure 41(a)(2), and Dismissal of Defendant’s Counterclaims Without Prejudice, pursuant to Federal Rule of Civil Procedure 12(b)(1).

As set forth in detail in Plaintiff’s accompanying Memorandum in Support of Plaintiff’s Opposed Motion for Voluntary Dismissal of Plaintiff’s First Amended Complaint Without Prejudice and Dismissal of Defendant’s Counterclaims Without Prejudice, which has been filed with this Court, this Court should dismiss the above-captioned action, without prejudice, because Plaintiff has recently determined that it lacks Article III standing to maintain the claims asserted in the Complaint.

The parties have conferred and respectfully request that the Court set the following briefing schedule for Plaintiff's Opposed Motion for Voluntary Dismissal of Plaintiff's First Amended Complaint Without Prejudice and Dismissal of Defendant's Counterclaims Without Prejudice:

- Milwaukee's Opening Brief – March 18, 2026
- Klein Tool, Inc's Responsive Brief – April 15, 2026
- Milwaukee's Reply Brief – April 29, 2026.

WHEREFORE, Plaintiff respectfully requests the Court grant its Opposed Motion for Voluntary Dismissal of Plaintiff's First Amended Complaint Without Prejudice and Dismissal of Defendant's Counterclaims Without Prejudice.

Dated: March 18, 2026

Respectfully submitted,

/s/ Scott D. Sherwin

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