

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION**

STATE OF MISSOURI ET AL

CASE NO. 3:22-CV-01213

VERSUS

JUDGE TERRY A. DOUGHTY

JOSEPH R BIDEN JR ET AL

MAG. JUDGE KAYLA D. MCCLUSKY

MEMORANDUM ORDER

Pending before the Court is a Motion to Strike Plaintiffs' Proposed Findings of Fact or in the Alternative, For Other Appropriate Relief ("Motion to Strike") [Doc. No. 219] filed by Federal Defendants.¹ An Opposition [Doc. No. 221] was filed by Plaintiffs,² and a Reply [Doc. No. 222] was filed by Federal Defendants.

In its Motion to Strike, Federal Defendants move that the Court to strike Plaintiffs' 364-page Proposed Findings of Fact [Doc. No. 212-3] because it imposes an undue burden upon Federal Defendants, because leave of court is required, and because FED. R. CIV. P. 65 does not mention Proposed Findings of Fact are allowed in connection with emergency motions. Alternatively, Federal Defendants request more time to respond.

¹ Federal Defendants consist of. Joseph R Biden, Jr, Jennifer Rene Psaki, Vivek H Murthy, Xavier Becerra, Dept of Health & Human Services, Anthony Fauci, National Institute of Allergy & Infectious Diseases, Centers for Disease Control & Prevention, Alejandro Mayorkas, Dept of Homeland Security, Jen Easterly, Cybersecurity & Infrastructure Security Agency, Nina Jankowicz, Karine Jean-Pierre, Carol Crawford, Jennifer Shopkorn, U.S. Census Bureau, U S Dept of Commerce, Robert Silvers, Samantha Vinograd, Gina McCarthy, Andrew Slavitt, Rob Flaherty, Courtney Rowe, Clarke Humphrey, Benjamin Wakana, Subhan Cheema, Dori Salcido, Timothy W Manning, Dana Remus, Aisha Shah, Laura Rosenberger, Mina Hsiang, U S Dept of Justice, Federal Bureau of Investigation, Laura Dehmlow, Elvis M Chan, Jay Dempsey, Kate Galatas, Eric Waldo, Yolanda Byrd, Christy Choi, Tericka Lambert, Joshua Peck, Janell Muhammed, Matthew Masterson, Lauren Protentis, Geoffrey Hale, Allison Snell, Kim Wyman, Brian Scully, Zachary Henry Schwartz, Lorena Molina-Irizarry, Kristin Galemore, U S Food & Drug Administration, Erica Jefferson, Michael Murray, Brad Kimberly, U S Dept of State, Leah Bray, Samaruddin K Stewart, Daniel Kimmage, Alexis Frisbie, U S Dept of Treasury, Wally Adeyemo, U S Election Assistance Commission, Mark A Robbins, Kristen Muthig.

² Plaintiffs consist of the State of Missouri, the State of Louisiana, Dr. Aaron Kheriaty, Dr. Martin Kulldorff, Jim Hoft, Dr. Jayanta Bhattacharya, and Jill Hines.

Plaintiffs oppose Federal Defendants' motion because Proposed Findings of Fact are common practice, are best practice, are not prohibited by FED. R. CIV. P. 65, and are not an undue burden to Federal Defendants. Plaintiffs do not oppose a reasonable extension of time to Federal Defendants but do oppose the requested sixty-five (65) day extension.

After considering the filings in this matter, this Court finds no prohibition in filing Proposed Findings of Fact in this proceeding. To the extent leave of court is required, this Court grants Plaintiffs' request for leave of court to file its Proposed Findings of Fact. Due to the substantial amount of discovery, the number of Defendants, and number of allegations, this Court anticipated lengthy briefs would be provided by both parties. Therefore, Federal Defendants' Motion to Strike is **DENIED**.

In addressing Federal Defendants' alternative request for an extension of time to respond, this Court finds there is good cause for an extension of time but not to the extent requested. Therefore, Federal Defendants' request for an extension of time to respond is **GRANTED IN PART** by twenty (20) days, for a total response time of fifty (50) days. Because Plaintiffs' brief was filed March 6, 2023, Federal Defendants' response will be due on or before April 25, 2023. Plaintiffs' reply will be due fifteen (15) days after the filing of Federal Defendants' response. Accordingly,

IT IS ORDERED that Federal Defendants' Motion to Strike [Doc. No. 219] is **GRANTED IN PART** and **DENIED IN PART**. To the extent Federal Defendants' move to strike Plaintiffs' Proposed Findings of Fact [Doc. No. 212-3], the Motion is **DENIED**, and Plaintiffs are **GRANTED** leave of court to file the Proposed Findings of Fact.

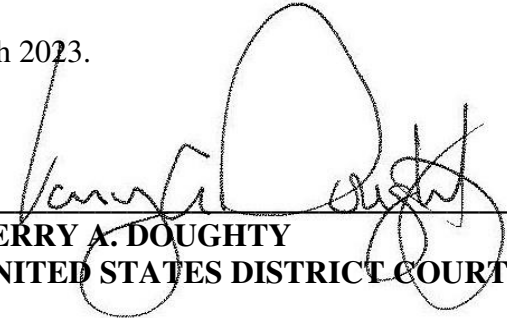
IT IS FURTHER ORDERED that to the extent Federal Defendants' move for an extension of time to respond to the motion for preliminary injunction, the Motion is **GRANTED**

IN PART, and Federal Defendants are granted an extension of twenty (20) days to April 25, 2023, to respond to Plaintiffs' filings.

IT IS FURTHER ORDERED that Plaintiffs shall file a reply to Federal Defendants' response fifteen (15) days after the response filed.

IT IS FURTHER ORDERED that oral arguments in the above matter are set for Friday, May 12, 2023, beginning at 9:00 a.m. in Monroe, Louisiana, second floor courtroom. Each side will be given one hour for arguments, with additional time to answer questions from the Court.

MONROE, LOUISIANA this 15th day of March 2023.



TERRY A. DOUGHTY
UNITED STATES DISTRICT COURT