

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

**ROBERT F. KENNEDY, JR. ET AL.**

**CIVIL ACTION NO. 3:23-cv-00381**

**VERSUS**

**JUDGE: TERRY A. DOUGHTY**

**JOSEPH R. BIDEN, ET AL.**

**MAG. JUDGE: KAYLA D. MCCLUSKY**

\*\*\*\*\*

**PLAINTIFFS' STATUS REPORT PURSUANT TO JUNE 5, 2023 ORDER**

\*\*\*\*\*

On June 5, 2023, the Court directed the parties in the above-captioned case to “file a joint status report regarding the response to the complaint within fourteen (14) days of this court’s resolution of” the preliminary injunction motion in *Missouri v. Biden*, 3:22-cv-01213 (W.D. La.). (ECF No. 16.) On July 10, 2023, the Court issued its judgment in *Missouri v. Biden* modifying the Court’s memorandum ruling of July 4 granting a preliminary injunction in that case (and declining to stay the injunction). [*Missouri* action, Doc. No. 302.] That injunction is now on appeal to the Fifth Circuit.

Pursuant to the Court’s order of June 5, counsel for Plaintiffs and Defendants conferred on a joint status report, but Defendants asked Plaintiffs to waive the filing of an answer in this case, and Plaintiffs were unwilling to make that agreement. Instead, Plaintiffs informed Defendants that, given the burdens on Defendants (both in this case and in *Missouri*), Plaintiffs would agree to an extension of their time for filing an answer. In response, Defendants reiterated their request for a waiver of answer. Earlier today, Defendants filed their status report pursuant

to the Court's June 5 order, stating that the parties "were unable to confirm final agreement."  
[Doc. No. 24.] Accordingly, Plaintiffs now submit this status report to the Court.

### **Pending Motions**

Currently pending before the Court in this case are two motions.

First, on April 1, 2023, Plaintiffs filed a **motion to consolidate** this case with *Missouri v. Biden*. [Missouri Action, Doc. No. 236.] On April 5, 2023, the Court issued a Memorandum Order deferring a ruling on consolidation until a resolution had been rendered on certain then-pending motions in *Missouri*. [Doc. No. 10.] On July 5, 2023, the Court issued an order granting all parties until July 19, 2023, to file responses to the consolidation motion. [Missouri action, Doc. No. 295.] Earlier today, Defendants filed their response, stating that, apart from the standing arguments they raised in opposition to Plaintiffs' preliminary injunction motion, they do not oppose consolidation. [Doc. No. 25.] Minutes ago, the *Missouri* state plaintiffs filed their non-opposition to consolidation. [Missouri action, Doc. 310.]

Second, on April 12, 2023, Plaintiffs moved for a **preliminary injunction**. [Doc. No. 6.] On June 20, 2023, Defendants filed a brief opposing that motion, and on July 4, Plaintiffs filed their reply brief, completing the briefing on that motion. [Doc. No. 20.]

### **Plaintiffs' Proposed Order of Proceedings**

As the Court is aware, this case is substantially identical to *Missouri v. Biden*. (But whereas the individual *Missouri* plaintiffs allege that their First Amendment rights as speakers have been violated, Plaintiffs here allege that their First Amendment rights as viewers and listeners have been violated.) Plaintiffs seek not to create additional burdens for the Court or for Defendants, but rather to eliminate those burdens by consolidating this case with *Missouri* for all purposes, in such a way as to put the two cases on the same footing and on the same schedule.

Accordingly, Plaintiffs: (1) reiterate that they have no objection to extending the Defendants' time to file an answer in this case until the preliminary injunction proceedings have been concluded; (2) respectfully ask this Court to grant Plaintiffs' consolidation motion; and (3) respectfully ask the Court to issue in this case the same preliminary injunction already granted in *Missouri*.

Respectfully submitted,

Dated: July 19, 2023

/s/ G. Shelly Maturin, II  
G. SHELLY MATURIN, II (#26994)  
WELBORN & HARGETT, LLC  
1540 W. Pinhook Road  
Lafayette, LA 70503  
Telephone: (337) 234-5533  
Facsimile: (337) 769-3173  
[shelly@wandhlawfirm.com](mailto:shelly@wandhlawfirm.com)  
Attorney for Plaintiffs

JED RUBENFELD  
NY Bar # 2214104  
(Pro Hac Vice)  
1031 Forest Rd.  
New Haven CT 06515  
Tel.: 203-432-7631  
E-mail: [jed.rubinfeld@yale.edu](mailto:jed.rubinfeld@yale.edu)

### CERTIFICATE OF SERVICE

I hereby certify that, on July 19, 2023, I caused a true and correct copy of the foregoing to be filed by the Court's electronic filing system, to be served by operation of the Court's electronic filing system on counsel for all parties who have entered in the case.

*/S/ G. Shelly Maturin, II*

G. SHELLY MATURIN, II