

[Create an Alert for This Case on RECAP](#)

APPEAL,PRELIM

**U.S. District Court
Eastern District of Kentucky (Frankfort)
CIVIL DOCKET FOR CASE #: 3:21-cv-00055-GFVT**

Commonwealth of Kentucky et al v. Biden et al
Assigned to: Judge Gregory F. VanTatenhove
Case in other court: 6CCA, 21-06147
Cause: 05:702 Administrative Procedure Act

Date Filed: 11/04/2021
Jury Demand: None
Nature of Suit: 899 Other Statutes:
Administrative Procedures
Act/Review or Appeal of Agency
Decision
Jurisdiction: U.S. Government
Defendant

Plaintiff

Commonwealth of Kentucky represented by **Alexander Y. Magera**
Attorney General's Office - Kentucky
700 Capital Avenue
Capitol Building, Suite 118
Frankfort, KY 40601
502-696-5574
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Barry L. Dunn
Attorney General's Office - Kentucky
700 Capital Avenue
Capitol Building, Suite 118
Frankfort, KY 40601
502-696-5300
Email: barry.dunn@ky.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Christopher L. Thacker
Attorney General's Office - Kentucky
700 Capital Avenue
Capitol Building, Suite 118
Frankfort, KY 40601
859-396-5299
Email: christopher.thacker@ky.gov

LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Heather Lynn Becker
Attorney General's Office - Kentucky
700 Capital Avenue
Capitol Building, Suite 118
Frankfort, KY 40601
502-696-5610
Email: heather.becker@ky.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jeremy J. Sylvester
Moynahan, Irvin & Mooney
110 N. Main Street
Nicholasville, KY 40356
859-219 - 9090
Fax: 859-885-2307
Email: jeremy.sylvester@ky.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

State of Ohio

represented by **Benjamin M. Flowers**
Attorney General's Office - Columbus
30 E. Broad Street
17th Floor
Columbus, OH 43215
614-728-7511
Email:
benjamin.flowers@ohioattorneygeneral.gov
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Carol O'Brien
Attorney General's Office - Columbus
30 E. Broad Street
17th Floor
Columbus, OH 43215
614-728-2333
Email:
carol.o'brien@ohioattorneygeneral.gov
LEAD ATTORNEY
PRO HAC VICE

ATTORNEY TO BE NOTICED

Sylvia May Davis

Attorney General's Office - Cleveland
615 W. Superior Avenue
11th Floor
Cleveland, OH 44113
614-282-3594
Fax: 855-579-2029
Email:

may.davis@ohioattorneygeneral.gov

LEAD ATTORNEY

PRO HAC VICE

ATTORNEY TO BE NOTICED

Heather Lynn Becker

(See above for address)

ATTORNEY TO BE NOTICED

Plaintiff

State of Tennessee

represented by **Brandon J. Smith**

Office of the Tennessee Attorney General
and Reporter

P.O. Box 20207

Nashville, TN 37202

615-532-4081

Email: Brandon.Smith@ag.tn.gov

LEAD ATTORNEY

PRO HAC VICE

ATTORNEY TO BE NOTICED

Dianna B. Shew

Office of the Tennessee Attorney General
and Reporter

P.O. Box 20207

Nashville, TN 37202

615-532-1969

Email: dianna.shew@ag.tn.gov

LEAD ATTORNEY

PRO HAC VICE

ATTORNEY TO BE NOTICED

Heather Lynn Becker

(See above for address)

ATTORNEY TO BE NOTICED

Plaintiff

Fredrick W. Stevens
*in his official capacity as Sheriff
for the Seneca County (Ohio)
Sheriffs Office*

represented by **Benjamin M. Flowers**
(See above for address)
*LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED*

Carol O'Brien
(See above for address)
*LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED*

Sylvia May Davis
(See above for address)
*LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED*

Plaintiff

Scott A. Hildenbrand
*in his official capacity as Sheriff
for the Geauga County (Ohio)
Sheriffs Office*

represented by **Benjamin M. Flowers**
(See above for address)
*LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED*

Carol O'Brien
(See above for address)
*LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED*

James R. Flaiz
Gauga County Prosecutor's Office
231 Main Street
3rd Floor
Chardon, OH 44024
440-279-2100
Email: james.fl aiz@gcpao.com
*LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED*

Sylvia May Davis
(See above for address)

*LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED*

V.

Defendant

Joseph R. Biden
*in his official capacity as
President of the United States*

represented by **Jody D. Lowenstein**
U.S. Department of Justice - Civil
1100 L Street NW
Washington, DC 20005
202-598-9280
Email: jody.d.lowenstein@usdoj.gov
ATTORNEY TO BE NOTICED

Zachary A. Avallone
U.S. Department of Justice - Civil
1100 L Street NW
Washington, DC 20005
202-514-2705
Fax: 202-616-8470
Email: zachary.a.avallone@usdoj.gov
ATTORNEY TO BE NOTICED

Defendant

United States of America

represented by **Jody D. Lowenstein**
(See above for address)
ATTORNEY TO BE NOTICED

Zachary A. Avallone
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

**Safer Federal Workforce Task
Force**

represented by **Jody D. Lowenstein**
(See above for address)
ATTORNEY TO BE NOTICED

Zachary A. Avallone
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

**United States Office of
Personnel Management**

represented by **Jody D. Lowenstein**
(See above for address)
ATTORNEY TO BE NOTICED

Zachary A. Avallone
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Kiran Ahuja
*in her official capacity as
Director of the Office of
Personnel Management and as
Co- Chair of the Safer Federal
Workforce Task Force*

represented by **Jody D. Lowenstein**
(See above for address)
ATTORNEY TO BE NOTICED

Zachary A. Avallone
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

**Office of Management and
Budget**

represented by **Jody D. Lowenstein**
(See above for address)
ATTORNEY TO BE NOTICED

Zachary A. Avallone
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Shalanda Young
*in her official capacity as Acting
Director of the Office of
Management and Budget and as
a Member of the Safer Federal
Workforce Task Force*

represented by **Jody D. Lowenstein**
(See above for address)
ATTORNEY TO BE NOTICED

Zachary A. Avallone
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

**General Services
Administration**

represented by **Jody D. Lowenstein**
(See above for address)
ATTORNEY TO BE NOTICED

Zachary A. Avallone
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Robin Carnahan

*in her official capacity as
Administrator of the General
Services Administration and as
Co-Chair of the Safer Federal
Workforce Task Force;*

represented by **Jody D. Lowenstein**
(See above for address)
ATTORNEY TO BE NOTICED

Zachary A. Avallone
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Jeffrey Zients

*in his official capacity as Co-
Chair of the Safer Federal
Workforce Task Force and
COVID-19 Response
Coordinator*

represented by **Jody D. Lowenstein**
(See above for address)
ATTORNEY TO BE NOTICED

Zachary A. Avallone
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

L. Eric Patterson

*in his official capacity as
Director of the Federal
Protective Service*

represented by **Jody D. Lowenstein**
(See above for address)
ATTORNEY TO BE NOTICED

Zachary A. Avallone
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

James M. Murray

*in his official capacity as
Director of the United States
Secret Service*

represented by **Jody D. Lowenstein**
(See above for address)
ATTORNEY TO BE NOTICED

Zachary A. Avallone
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Deanne Criswell

*in her official capacity as
Administrator of the Federal
Emergency Management Agency*

represented by **Jody D. Lowenstein**
(See above for address)
ATTORNEY TO BE NOTICED

Zachary A. Avallone
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Rochelle Walensky
*in her official capacity as
Director of the Centers for
Disease Control*

represented by **Jody D. Lowenstein**
(See above for address)
ATTORNEY TO BE NOTICED

Zachary A. Avallone
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

**Federal Acquisition
Regulatory Council**

represented by **Jody D. Lowenstein**
(See above for address)
ATTORNEY TO BE NOTICED

Zachary A. Avallone
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Lesley A. Field
*in her official capacity as Acting
Administrator for Federal
Procurement, Office of
Management and Budget*

represented by **Jody D. Lowenstein**
(See above for address)
ATTORNEY TO BE NOTICED

Zachary A. Avallone
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Jeffrey A. Koses
*in his official capacity as Senior
Procurement Executive &
Deputy Chief Acquisition
Officer, General Services
Administration*

represented by **Jody D. Lowenstein**
(See above for address)
ATTORNEY TO BE NOTICED

Zachary A. Avallone
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

John M. Tenaglia
*in his official capacity as
Principal Director of Defense
Pricing and Contracting,
Department of Defense*

represented by **Jody D. Lowenstein**
(See above for address)
ATTORNEY TO BE NOTICED

Zachary A. Avallone
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Karla S. Jackson
*in her official capacity as
Assistant Administrator for
Procurement, National
Aeronautics and Space
Administration*

represented by **Jody D. Lowenstein**
(See above for address)
ATTORNEY TO BE NOTICED

Zachary A. Avallone
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

**U.S. Food and Drug
Administration**
*DEPARTMENT OF HEALTH
AND HUMAN SERVICES*

represented by **Jody D. Lowenstein**
(See above for address)
ATTORNEY TO BE NOTICED

Zachary A. Avallone
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Janet Woodcock
*in her official capacity as Acting
Commissioner of Food and
Drugs;*

represented by **Jody D. Lowenstein**
(See above for address)
ATTORNEY TO BE NOTICED

Zachary A. Avallone
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

National Institutes of Health
*DEPARTMENT OF HEALTH
AND HUMAN SERVICES*

represented by **Jody D. Lowenstein**
(See above for address)
ATTORNEY TO BE NOTICED

Zachary A. Avallone
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Francis Collins
*in his official capacity as
Director of the National
Institutes of Health*

represented by **Jody D. Lowenstein**
(See above for address)
ATTORNEY TO BE NOTICED

Zachary A. Avallone
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

**United States Bureau of Labor
Statistics**
DEPARTMENT OF LABOR

represented by **Jody D. Lowenstein**
(See above for address)
ATTORNEY TO BE NOTICED

Zachary A. Avallone
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

William W. Beach
*in his official capacity as
Commissioner of the United
States Bureau of Labor Statistics*

represented by **Jody D. Lowenstein**
(See above for address)
ATTORNEY TO BE NOTICED

Zachary A. Avallone
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

**United States Consumer
Product Safety Commission**

represented by **Jody D. Lowenstein**
(See above for address)
ATTORNEY TO BE NOTICED

Zachary A. Avallone
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Peter A. Feldman
*in his official capacity as
Commissioner of the United
States Consumer Product Safety
Commission*

represented by **Jody D. Lowenstein**
(See above for address)
ATTORNEY TO BE NOTICED

Zachary A. Avallone
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Tae D. Johnson
*in his official capacity as
Director of Immigration and
Customs Enforcement*

represented by **Jody D. Lowenstein**
(See above for address)
ATTORNEY TO BE NOTICED

Zachary A. Avallone
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Randolph D. Alles
in his official capacity as
Undersecretary for Management
of the Department of Homeland
Security

represented by **Jody D. Lowenstein**
(See above for address)
ATTORNEY TO BE NOTICED

Zachary A. Avallone
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

**Department of Homeland
Security**

represented by **Jody D. Lowenstein**
(See above for address)
ATTORNEY TO BE NOTICED

Zachary A. Avallone
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

**Immigration and Customs
Enforcement**
DEPARTMENT OF
HOMELAND SECURITY

represented by **Jody D. Lowenstein**
(See above for address)
ATTORNEY TO BE NOTICED

Zachary A. Avallone
(See above for address)
ATTORNEY TO BE NOTICED

Amicus

American Medical Association

represented by **Rachel L. Fried**
Democracy Forward Foundation
P.O. Box 34553
Washington, DC 20043
202-448-9090
Email: rfried@democracyforward.org
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

David B. Tachau
Tachau Meek PLC - Lou
101 S. Fifth Street
3600 PNC Tower
Louisville, KY 40202
502-238-9900

Fax: 502-238-9910
Email: dtachau@tachaulaw.com
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
11/04/2021	<u>1</u>	COMPLAINT (Filing fee \$402; receipt number AKYEDC-5116739), filed by State of Ohio, Commonwealth of Kentucky, State of Tennessee, Fredrick W Stevens, Scott A Hildenbrand. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons for All Defendants)(MJY) (Entered: 11/04/2021)
11/04/2021		Conflict Check run. (MJY) (Entered: 11/04/2021)
11/04/2021	<u>2</u>	Summons Issued as to Kiran Ahuja, Randolph D Alles, William W Beach, Joseph R. Biden, Robin Carnahan, Francis Collins, Deanne Criswell, Department of Homeland Security, Federal Acquisition Regulatory Council, Peter A Feldman, Lesley A Field, General Services Administration, Immigration and Customs Enforcement, Karla S Jackson, Tae D. Johnson, Jeffrey A Koses, James M Murray, National Institutes of Health, Office of Management and Budget, L. Eric Patterson, Safer Federal Workforce Task Force, John M Tenaglia, U.S. Food and Drug Administration, United States Bureau of Labor Statistics, United States Consumer Product Safety Commission, United States Office of Personnel Management, United States of America, Rochelle Walensky, Janet Woodcock, Shalanda Young, U.S. Attorney and U.S. Attorney General. Summons issued and returned electronically to counsel. (MJY) (Entered: 11/04/2021)
11/04/2021	<u>4</u>	NOTICE TO ATTORNEY Brandon Smith by Clerk re: L.R. 83 - Attorney Admission procedures w/ a copy of L.R. 83.1 and 83.2 (Attachments: # <u>1</u> LR 83.1 & Application, # <u>2</u> Joint Local Rule 83.2)(MJY) (Entered: 11/04/2021)
11/04/2021	<u>5</u>	NOTICE TO ATTORNEY Dianna B. Shew by Clerk re: L.R. 83 - Attorney Admission procedures w/ a copy of L.R. 83.1 and 83.2 (Attachments: # <u>1</u> Joint Local Rule 83.1 & Admission Forms, # <u>2</u> Joint Local Rule 83.2)(MJY) (Entered: 11/04/2021)
11/04/2021	<u>6</u>	NOTICE TO ATTORNEY Alexander Y. Magera by Clerk re: L.R. 83 - Attorney Admission procedures w/ a copy of L.R. 83.1 and 83.2 (Attachments: # <u>1</u> Joint Local Rule 83.1 Admission packet, # <u>2</u> Joint Local Rule 83.2)(MJY) (Entered: 11/04/2021)

11/04/2021	<u>7</u>	NOTICE TO ATTORNEY Benjamin Flowers by Clerk re: L.R. 83 - Attorney Admission procedures w/ a copy of L.R. 83.1 and 83.2 (Attachments: # <u>1</u> Joint Local Rule 83.1 Admission packet, # <u>2</u> Joint Local Rule 83.2)(MJY) (Entered: 11/04/2021)
11/04/2021	<u>8</u>	NOTICE TO ATTORNEY Carol O'Brien by Clerk re: L.R. 83 - Attorney Admission procedures w/ a copy of L.R. 83.1 and 83.2 (Attachments: # <u>1</u> Joint Local Rule 83.1 Admission packet, # <u>2</u> Joint Local Rule 83.2)(MJY) (Entered: 11/04/2021)
11/04/2021	<u>9</u>	NOTICE TO ATTORNEY May Davis by Clerk re: L.R. 83 - Attorney Admission procedures w/ a copy of L.R. 83.1 and 83.2 (Attachments: # <u>1</u> Joint Local Rule 83.1 Admission packet, # <u>2</u> Joint Local Rule 83.2)(MJY) (Entered: 11/04/2021)
11/04/2021	<u>10</u>	NOTICE TO ATTORNEY James R Flaiz by Clerk re: L.R. 83 - Attorney Admission procedures w/ a copy of L.R. 83.1 and 83.2 (Attachments: # <u>1</u> Joint Local Rule 83.1 Admission packet, # <u>2</u> Joint Local Rule 83.2)(MJY) (Entered: 11/04/2021)
11/08/2021	<u>11</u>	MOTION for Leave to File Excess Pages by Commonwealth of Kentucky (Attachments: # <u>1</u> Proposed Order)(Thacker, Christopher) (Additional attachment(s) added on 11/8/2021: # <u>2</u> CORRECTED Motion for Leave to File an Overlength Brief) (JJ). (Entered: 11/08/2021)
11/08/2021	<u>12</u>	MOTION for Temporary Restraining Order <i>and Preliminary Injunction</i> by Commonwealth of Kentucky (Attachments: # <u>1</u> Affidavit Declaration of N. Antonio Niknejad, # <u>2</u> Affidavit Declaration of Fredercik W. Stevens, # <u>3</u> Affidavit Declaration of Scott A. Hildenbrand, # <u>4</u> Affidavit Declaration of Victor Maddox, # <u>5</u> Proposed Order)(Thacker, Christopher). Added MOTION for Preliminary Injunction on 11/9/2021 (JJ). Modified on 11/9/2021 (JJ). Modified on 12/1/2021 (JJ). (Entered: 11/08/2021)
11/08/2021	<u>13</u>	NOTICE OF FILING by Commonwealth of Kentucky re <u>11</u> MOTION for Leave to File Excess Pages by Commonwealth of Kentucky <i>Correction</i> (Attachments: # <u>1</u> Attachment Corrected Motion to Exceed Page Limits)(Thacker, Christopher) (Entered: 11/08/2021)
11/08/2021	<u>14</u>	ORDER: 1. A telephonic status conference to schedule a hearing in this matter is SCHEDULED for Tuesday, November 9, 2021, at 3:30 p.m. , with Judge Van Tatenhove sitting in Frankfort, Ky; and 2. To join the teleconference, the parties are DIRECTED to call AT&T Teleconferencing at 1-877-336-1280 and enter Access Code 2086161 (followed by #), and, when requested, enter the Security

		Code 09170 (followed by #). Signed by Judge Gregory F. VanTatenhove on 11/8/21. (MJY) cc: COR, FRT (Entered: 11/08/2021)
11/09/2021	15	NOTICE of Appearance by Jody D. Lowenstein on behalf of All Defendants (Lowenstein, Jody) (Entered: 11/09/2021)
11/09/2021		NOTICE OF DOCKET MODIFICATION TO Christopher Thacker re 12 MOTION for Temporary Restraining Order <i>and Preliminary Injunction</i> by Commonwealth of Kentucky; Error: This motion requests 2 forms of relief and only one form of relief was selected; Entry by attorney; Clerk added the motion relief requested. In the future, when filing a motion with multiple reliefs, select a motion relief for each relief requested, so all motions will appear on the Judge's motion report. No further action required by counsel cc: COR (JJ) (Entered: 11/09/2021)
11/09/2021	16	MINUTE ENTRY ORDER FOR TELEPHONE CONFERENCE held on 11/9/2021 before Judge Gregory F. Van Tatenhove: Counsel appeared as noted; Court ORDERS as follows: 1. Dfts have until midnight 11/16/2021, to file response to Pltfs Preliminary Injunction, R. 12 . Pltfs have until midnight 11/17/2021 to file reply. A Motion hearing shall be set by subsequent order for this matter. 2. Plaintiffs Motion for Leave to File and Overlength Brief for an additional six pages, R. 11 , is GRANTED. Dft's response may include an additional six pages. Signed by Judge Gregory F. Van Tatenhove. (Court Reporter Sandy Wilder.) (JJ)cc: COR (Entered: 11/10/2021)
11/10/2021	17	ORDER: <u>MOTION HEARING</u> re Plaintiff's preliminary injunction [R. 12] set for <u>11/18/2021 at 1:30 PM</u> in FRANKFORT before Judge Gregory F. Van Tatenhove. Signed by Judge Gregory F. VanTatenhove on 11/9/2021.(JJ)cc: COR,Fkt (Entered: 11/10/2021)
11/12/2021	18	NOTICE of Appearance by Zach A. Avallone on behalf of All Defendants (Avallone, Zach) (Entered: 11/12/2021)
11/12/2021	19	MOTION for Benjamin Flowers to Appear Pro Hac Vice by State of Ohio (Filing fee \$125; receipt number AKYEDC-5123103) (Attachments: # 1 Attachment Certificate of good standing, # 2 Proposed Order Proposed Order)(Becker, Heather) (Entered: 11/12/2021)

11/12/2021	<u>20</u>	MOTION for Sylvia May Davis to Appear Pro Hac Vice by State of Ohio (Filing fee \$125; receipt number AKYEDC-5123137) (Attachments: # <u>1</u> Attachment Certificate of good standing, # <u>2</u> Proposed Order Proposed Order)(Becker, Heather) (Entered: 11/12/2021)
11/12/2021	<u>21</u>	MOTION for Carol Anne Hamilton OBrien to Appear Pro Hac Vice by State of Ohio (Filing fee \$125; receipt number AKYEDC-5123143) (Attachments: # <u>1</u> Attachment Certificate of good standing, # <u>2</u> Proposed Order Proposed Order)(Becker, Heather) (Entered: 11/12/2021)
11/15/2021		BAR STATUS Check completed as to Benjamin M. Flowers, Carol O'Brien, Mae Davis re <u>21</u> MOTION for Carol Anne Hamilton OBrien to Appear Pro Hac Vice by State of Ohio (Filing fee \$125; receipt number AKYEDC-5123143), <u>20</u> MOTION for Sylvia May Davis to Appear Pro Hac Vice by State of Ohio (Filing fee \$125; receipt number AKYEDC-5123137), <u>19</u> MOTION for Benjamin Flowers to Appear Pro Hac Vice by State of Ohio (Filing fee \$125; receipt number AKYEDC-5123103). (JJ) (Entered: 11/15/2021)
11/15/2021		***MOTION SUBMITTED TO CHAMBERS of Judge Gregory F. Van Tatenhove for review: re <u>20</u> MOTION for Sylvia May Davis to Appear Pro Hac Vice by State of Ohio (Filing fee \$125; receipt number AKYEDC-5123137), <u>21</u> MOTION for Carol Anne Hamilton OBrien to Appear Pro Hac Vice by State of Ohio (Filing fee \$125; receipt number AKYEDC-5123143), <u>19</u> MOTION for Benjamin Flowers to Appear Pro Hac Vice by State of Ohio (Filing fee \$125; receipt number AKYEDC-5123103) (JJ) (Entered: 11/15/2021)
11/15/2021	<u>22</u>	AMENDED COMPLAINT against All Defendants, filed by Commonwealth of Kentucky. (Attachments: # <u>1</u> Attachment Exhibit A Complaint Redline, # <u>2</u> Attachment Flowers Declaration, # <u>3</u> Attachment Contract - KY (Meniffee) with FS USDA, # <u>4</u> Attachment Contract - KY (Jackson) with FS USDA, # <u>5</u> Attachment Easement - KY DFWR (Pulaski) with DOA, # <u>6</u> Attachment Contract - KY DMA with USFG, # <u>7</u> Attachment Contract - KY DMA with NGB)(Thacker, Christopher) (Entered: 11/15/2021)
11/16/2021	<u>23</u>	NOTICE OF APPEARANCE by American Medical Association. (Attachments: # <u>1</u> Corporate Disclosure Statement)(Tachau, David) (Entered: 11/16/2021)
11/16/2021	<u>24</u>	MOTION for Rachel L. Fried to Appear Pro Hac Vice by American Medical Association (Filing fee \$125; receipt number AKYEDC-

		5125611) (Attachments: # 1 Certificate of Good Standing, # 2 Proposed Order)(Tachau, David) (Entered: 11/16/2021)
11/16/2021	25	MOTION for Leave by American Medical Association <i>to File Brief as Amicus Curiae</i> (Attachments: # 1 Brief of American Medical Association, # 2 Proposed Order)(Tachau, David) (Entered: 11/16/2021)
11/16/2021	26	MOTION for Order by State of Tennessee <i>Shew motion for admission pro hac vice</i> (Attachments: # 1 Attachment Certificate of good standing, # 2 SEALED Attachment ECF registration, # 3 Proposed Order Proposed Order)(Becker, Heather) Modified on 11/17/2021 (JJ).pc (Entered: 11/16/2021)
11/16/2021	27	RESPONSE in Opposition re 12 MOTION for Temporary Restraining Order <i>and Preliminary Injunction</i> by Commonwealth of Kentucky MOTION for Preliminary Injunction filed by Kiran Ahuja, Randolph D. Alles, William W. Beach, Joseph R. Biden, Robin Carnahan, Francis Collins, Deanne Criswell, Department of Homeland Security, Federal Acquisition Regulatory Council, Peter A. Feldman, Lesley A. Field, General Services Administration, Immigration and Customs Enforcement, Karla S. Jackson, Tae D. Johnson, Jeffrey A. Koses, James M. Murray, National Institutes of Health, Office of Management and Budget, L. Eric Patterson, Safer Federal Workforce Task Force, John M. Tenaglia, U.S. Food and Drug Administration, United States Bureau of Labor Statistics, United States Consumer Product Safety Commission, United States Office of Personnel Management, United States of America, Rochelle Walensky, Janet Woodcock, Shalanda Young, Jeffrey Zients. (Attachments: # 1 Declaration of Natalie Carr, # 2 Exhibit 1, # 3 Exhibit 2, # 4 Exhibit 3)(Lowenstein, Jody) (Entered: 11/16/2021)
11/16/2021	28	FRCP 7.1 DISCLOSURE STATEMENT by American Medical Association. Filed pursuant to QC re DE 23 . (JJ) (Entered: 11/17/2021)
11/16/2021	38	AMICUS CURIAE BRIEF to 12 Motion for Temporary Injunction and Preliminary Injunction filed by American Medical Association. Filed pursuant to Order [R. 37] entered 11/18/2021. (JJ) (Entered: 11/18/2021)
11/17/2021		BAR STATUS Check completed as to Dianna B. Shew, Rachel L. Fried re 24 MOTION for Rachel L. Fried to Appear Pro Hac Vice by American Medical Association (Filing fee \$125; receipt number

		AKYEDC-5125611), 26 MOTION for Order by State of Tennessee <i>Shew motion for admission pro hac vice</i> . (JJ) (Entered: 11/17/2021)
11/17/2021		NOTICE OF DOCKET MODIFICATION TO David Tachau re 23 NOTICE OF APPEARANCE; Error: This is a Notice of Appearance AND a 7.1 Disclosure Statement. The document was filed as an attachment to the Notice, when the documents should be filed as two separate entries; Entry by attorney; Clerk re-filed the document as a 7.1 Disclosure Statement 28 . In the future, when filing multiple documents, please refer to the ECF User Manual for the correct procedure. No further steps required by counsel. cc: COR (JJ) (Entered: 11/17/2021)
11/17/2021		NOTICE OF DOCKET MODIFICATION TO Jody Lowenstein re 27 Response in Opposition to Motion; Error: attachments were insufficiently described as "Exhibit 1," "Exhibit 2." Entry by attorney; Correction: the Clerk renamed the attachments. Attachments must be adequately described. Example: Exhibit 1 (incorrect); Exhibit 1 Affidavit of John Doe (correct). No further action required by counsel. cc: COR (JJ) (Entered: 11/17/2021)
11/17/2021		NOTICE OF DEFICIENCY TO Heather Becker re 26 MOTION for Order by State of Tennessee <i>Shew motion for admission pro hac vice</i> ; attorney failed to submit the appropriate \$125.00 filing fee; <u>within 7 calendar days</u> , attorney shall submit the \$125.00 filing fee to the Clerk. cc: COR (JJ) (Entered: 11/17/2021)
11/17/2021	29	MOTION for Order by State of Tennessee <i>Smith motion for admission pro hac vice</i> (Attachments: # 1 Attachment Certificate of good standing, # 2 Proposed Order Proposed Order)(Becker, Heather) (Entered: 11/17/2021)
11/17/2021		NOTICE OF DEFICIENCY TO Heather Becker re 29 MOTION for Order by State of Tennessee <i>Smith motion for admission pro hac vice</i> ; <u>Error 1</u> : Attorney failed to submit the appropriate \$125.00 filing fee; <u>within 7 calendar days</u> , attorney shall submit the \$125.00 filing fee to the Clerk. <u>Error 2</u> : Signature on document and filer do not match; Entry by attorney; the name of the Filing User under whose login and password the document is filed must be typed in the space where the signature would otherwise appear. No further action required by counsel as to Error 2. cc: COR (JJ) (Entered: 11/17/2021)

11/17/2021		BAR STATUS Check completed as to Brandon J. Smith re 29 MOTION for Order by State of Tennessee <i>Smith motion for admission pro hac vice</i> . (JJ) (Entered: 11/17/2021)
11/17/2021	30	ORDER: It is hereby ORDERED that the <u>MOTION HEARING</u> re Plaintiff's 12 MOTION for Preliminary Injunction is RESCHEDULED to <u>11/18/2021 at 2:30 PM</u> in FRANKFORT before Judge Gregory F. Van Tatenhove. Signed by Judge Gregory F. Van Tatenhove on 11/17/2021.(JJ)cc: COR,Fkt (Entered: 11/17/2021)
11/17/2021	31	MOTION for Leave to File Excess Pages by Commonwealth of Kentucky (Attachments: # 1 Proposed Order Proposed Order Granting)(Thacker, Christopher) (Entered: 11/17/2021)
11/17/2021	32	REPLY to Response to Motion re 12 MOTION for Temporary Restraining Order <i>and Preliminary Injunction</i> by Commonwealth of Kentucky MOTION for Preliminary Injunction filed by Commonwealth of Kentucky. (Thacker, Christopher) (Entered: 11/17/2021)
11/18/2021	33	ORDER: 1. Plaintiffs' Motion for Admission Pro Hac Vice [R. 19] is GRANTED; and 2. Benjamin Flowers is admitted pro hac vice as counsel for Plaintiffs in the above styled action. Signed by Judge Gregory F. Van Tatenhove on 11/17/2021. (JJ)cc: COR and Benjamin Flowers by US Mail (Entered: 11/18/2021)
11/18/2021	34	ORDER: 1. Plaintiffs' Motion for Admission Pro Hac Vice [R. 20] is GRANTED; and 2. Sylvia May Davis is admitted pro hac vice as counsel for Plaintiffs in the above styled action. Signed by Judge Gregory F. Van Tatenhove on 11/17/2021. (JJ)cc: COR and Sylvia May Davis by US Mail (Entered: 11/18/2021)
11/18/2021	35	ORDER: 1. Plaintiffs' Motion for Admission Pro Hac Vice [R. 21] is GRANTED; and 2. Carol Anne Hamilton OBrien is admitted pro hac vice as counsel for Plaintiffs in the above styled action. Signed by Judge Gregory F. Van Tatenhove on 11/17/2021. (JJ)cc: COR and Carol Anne Hamilton OBrien by US Mail (Entered: 11/18/2021)
11/18/2021	36	ORDER: 1. Plaintiffs' Motion for Admission Pro Hac Vice [R. 24] is GRANTED; 2. Rachel L. Fried is admitted pro hac vice as counsel for Defendants in the above styled action. Signed by Judge Gregory F. Van Tatenhove on 11/17/2021. (JJ)cc: COR and Rachel L. Fried by US Mail (Entered: 11/18/2021)

11/18/2021	<p>NOTICE FOR ATTORNEY TO REQUEST E-Filing Privileges to Benjamin M. Flowers: re 33 Order on Motion to Appear Pro Hac Vice,.</p> <p>A Pro Hac Vice e-Filing request must be processed through your PACER account.</p> <p><u>IMPORTANT NOTICE:</u> You are required to electronically file and receive electronic service from the court's automated Electronic Case Filing (ECF) system. If you are not a registered Filing User for the Court's ECF system, please visit the Court's website at www.kyed.uscourts.gov for information and/or training. For additional assistance contact the Help Desk at 1-866-485-6349. cc: COR and via U.S. Mail to Benjamin M. Flowers (JJ) (Entered: 11/18/2021)</p>
11/18/2021	<p>NOTICE FOR ATTORNEY TO REQUEST E-Filing Privileges to Carol O'Brien: re 35 Order on Motion to Appear Pro Hac Vice,.</p> <p>A Pro Hac Vice e-Filing request must be processed through your PACER account.</p> <p><u>IMPORTANT NOTICE:</u> You are required to electronically file and receive electronic service from the court's automated Electronic Case Filing (ECF) system. If you are not a registered Filing User for the Court's ECF system, please visit the Court's website at www.kyed.uscourts.gov for information and/or training. For additional assistance contact the Help Desk at 1-866-485-6349. cc: COR and via U.S. Mail to Carol O'Brien (JJ) (Entered: 11/18/2021)</p>
11/18/2021	<p>NOTICE FOR ATTORNEY TO REQUEST E-Filing Privileges to Sylvia May Davis: re 34 Order on Motion to Appear Pro Hac Vice,.</p> <p>A Pro Hac Vice e-Filing request must be processed through your PACER account.</p> <p><u>IMPORTANT NOTICE:</u> You are required to electronically file and receive electronic service from the court's automated Electronic Case Filing (ECF) system. If you are not a registered Filing User for the Court's ECF system, please visit the Court's website at www.kyed.uscourts.gov for information and/or training. For additional assistance contact the Help Desk at 1-866-485-6349. cc: COR and via U.S. Mail to Sylvia May Davis (JJ) (Entered: 11/18/2021)</p>

11/18/2021		<p>NOTICE FOR ATTORNEY TO REQUEST E-Filing Privileges to Rachel L. Fried: re 36 Order on Motion to Appear Pro Hac Vice.,</p> <p>A Pro Hac Vice e-Filing request must be processed through your PACER account.</p> <p>IMPORTANT NOTICE: You are required to electronically file and receive electronic service from the court's automated Electronic Case Filing (ECF) system. If you are not a registered Filing User for the Court's ECF system, please visit the Court's website at www.kyed.uscourts.gov for information and/or training. For additional assistance contact the Help Desk at 1-866-485-6349. cc: COR and via U.S. Mail to Rachel L. Fried (JJ) (Entered: 11/18/2021)</p>
11/18/2021	37	<p>ORDER: It is hereby ORDERED that the motion for leave to file an amicus curiae brief [R. 25] is GRANTED. The amicus brief tendered by the American Medical Association is deemed filed on the date it was received by the Court and the Clerk of the Court is directed to file the tendered amicus brief in the record. Signed by Judge Gregory F. Van Tatenhove on 11/17/2021.(JJ)cc: COR (Entered: 11/18/2021)</p>
11/18/2021	39	<p>Pro Hac Vice Filing fee received - Dianna Shew - \$ 125.00, receipt number 3002678 (JJ) (Entered: 11/18/2021)</p>
11/18/2021	40	<p>ORDER: 1. Motion for Admission Pro Hac Vice 26 is GRANTED; 2. Dianna Baker Shew is admitted pro hac vice as counsel for Defendants in the above styled action; and 3. Because [R. 26 -2] contains sensitive personal information, the clerk is DIRECTED to file that page under seal. Signed by Judge Gregory F. VanTatenhove on 11/18/2021. (CBD)cc: COR (Entered: 11/18/2021)</p>
11/18/2021	41	<p>MINUTE ENTRY ORDER FOR STATUS CONFERENCE held on 11/18/21. before Judge Gregory F. VanTatenhove: this matter is TAKEN UNDER ADVISEMENT. An order outlining the Court's specific rulings is forthcoming. (Court Reporter Sandy Wilder.) Signed by Gregory F. Van Tatenhove. (MJY)cc: COR (Entered: 11/18/2021)</p>
11/19/2021	42	<p>Pro Hac Vice Filing fee received - Brandon J. Smith - \$ 125.00, receipt number 3002680 (JJ) (Entered: 11/19/2021)</p>

11/19/2021	43	TRANSCRIPT REQUEST by Commonwealth of Kentucky for proceedings held on 11/18/2021 before Judge Van Tatenhove.. (Becker, Heather) (Entered: 11/19/2021)
11/19/2021	44	TRANSCRIPT REQUEST by Kiran Ahuja, Randolph D. Alles, William W. Beach, Joseph R. Biden, Robin Carnahan, Francis Collins, Deanne Criswell, Department of Homeland Security, Federal Acquisition Regulatory Council, Peter A. Feldman, Lesley A. Field, General Services Administration, Immigration and Customs Enforcement, Karla S. Jackson, Tae D. Johnson, Jeffrey A. Koses, James M. Murray, National Institutes of Health, Office of Management and Budget, L. Eric Patterson, Safer Federal Workforce Task Force, John M. Tenaglia, U.S. Food and Drug Administration, United States Bureau of Labor Statistics, United States Consumer Product Safety Commission, United States Office of Personnel Management, United States of America, Rochelle Walensky, Janet Woodcock, Shalanda Young, Jeffrey Zients for proceedings held on 11/18/2021 before Judge Judge Van Tatenhove.. (Lowenstein, Jody) (Entered: 11/19/2021)
11/19/2021	45	MOTION for James R. Flaiz, Jr. to Appear Pro Hac Vice by Scott A. Hildenbrand (Filing fee \$125; receipt number AKYEDC-5129227) (Attachments: # 1 Certificate of Good Standing, # 2 Proposed Order)(Flowers, Benjamin) (Entered: 11/19/2021)
11/19/2021		Clerk's Note re 44 Transcript Request & 43 Transcript Request: Clerk forwarded requests to the appropriate Court Reporter and SKV. (JJ) (Entered: 11/19/2021)
11/19/2021		BAR STATUS Check completed as to James R. Flaiz re 45 MOTION for James R. Flaiz, Jr. to Appear Pro Hac Vice by Scott A. Hildenbrand (Filing fee \$125; receipt number AKYEDC-5129227). (JJ) (Entered: 11/19/2021)
11/19/2021		NOTICE OF DEFICIENCY TO Benjamin Flowers re 45 MOTION for James R. Flaiz, Jr. to Appear Pro Hac Vice by Scott A. Hildenbrand ; Signature on document and filer do not match; Entry by attorney; the name of the Filing User under whose login and password the document is filed must be typed in the space where the signature would otherwise appear. No further action required by counsel. cc: COR (JJ) (Entered: 11/19/2021)
11/19/2021		***MOTION SUBMITTED TO CHAMBERS of Judge Gregory F. Van Tatenhove for review: re 45 MOTION for James R. Flaiz, Jr. to Appear Pro Hac Vice by Scott A. Hildenbrand (Filing fee \$125; receipt number AKYEDC-5129227) (JJ) (Entered: 11/19/2021)

11/22/2021	46	ORDER: 1. Plaintiffs' Motion for Admission Pro Hac Vice [R. 29] is GRANTED; and 2. Brandon J. Smith is admitted pro hac vice as counsel for Plaintiffs in the above styled action. Signed by Judge Gregory F. Van Tatenhove on 11/19/2021. (JJ)cc: COR (Entered: 11/22/2021)
11/22/2021	47	ORDER: 1. Plaintiffs' Motion for Leave to File Excess Pages [R. 31] is GRANTED; and 2. Plaintiffs' reply brief may be 20 pages in length. Signed by Judge Gregory F. Van Tatenhove on 11/18/2021.(JJ)cc: COR (Entered: 11/22/2021)
11/22/2021	48	ORDER: 1. Plaintiffs' Motion for Admission Pro Hac Vice [R. 45] is GRANTED; and 2. James R. Flaiz, Jr. is admitted pro hac vice as counsel to represent Scott A. Hildenbrand in the above styled action. Signed by Judge Gregory F. Van Tatenhove on 11/22/2021. (JJ)cc: COR and James R. Flaiz by US Mail (Entered: 11/22/2021)
11/22/2021		<p>NOTICE FOR ATTORNEY TO REQUEST E-Filing Privileges to James R. Flaiz: re 48 Order.</p> <p>A Pro Hac Vice e-Filing request must be processed through your PACER account.</p> <p>IMPORTANT NOTICE: You are required to electronically file and receive electronic service from the court's automated Electronic Case Filing (ECF) system. If you are not a registered Filing User for the Court's ECF system, please visit the Court's website at www.kyed.uscourts.gov for information and/or training. For additional assistance contact the Help Desk at 1-866-485-6349. cc: COR and via U.S. Mail to James R. Flaiz (JJ) (Entered: 11/22/2021)</p>
11/24/2021	49	<p>TRANSCRIPT of Proceedings: STATUS CONFERENCE held on 11/18/2021 before Judge Gregory F. Van Tatenhove. Court Reporter: Sandra L. Wilder, Telephone number (859) 516-4114. Transcript ordered by: BRAD P. ROSENBERG and CHRISTOPHER L. THACKER. IMPORTANT NOTICE - REDACTION OF TRANSCRIPTS: In order to remove personal identifier data from the transcript, a party must follow the Court's policy regarding the Redaction Responsibility of Counsel and Parties. The policy governing the redaction of personal information is located on the court website at www.kyed.uscourts.gov. Read this policy carefully. Sample forms, i.e., a Notice of Intent to Redact, may be found on the court website by clicking on Local Forms. If there are no redactions requested, the court will assume redaction of personal identifiers is not necessary and the transcript will be made available via PACER 90 days from today's date. The Transcript</p>

		may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. Redaction Request due 12/20/2021. Redacted Transcript Deadline set for 12/30/2021. Release of Transcript Restriction set for 2/25/2022. (Entered: 11/24/2021)
11/30/2021	50	OPINION & ORDER: 1. Plaintiffs' motion for a preliminary injunction [R. 12] is GRANTED; 2. The Government is ENJOINED from enforcing the vaccine mandate for federal contractors and subcontractors in all covered contracts in Kentucky, Ohio, and Tennessee. Signed by Judge Gregory F. Van Tatenhove on 11/30/2021.(JJ)cc: COR (Entered: 11/30/2021)
12/02/2021	51	Mail Returned as Undeliverable. Mail sent to Carol O'Brien, Benjamin M. Flowers & Sylvia May Davis re 8 Notice to Attorney, 9 Notice to Attorney, 7 Notice to Attorney. (JJ) (Entered: 12/02/2021)
12/03/2021	52	NOTICE OF APPEAL as to 50 Memorandum Opinion & Order, by Kiran Ahuja, Randolph D. Alles, American Medical Association, William W. Beach, Joseph R. Biden, Robin Carnahan, Francis Collins, Deanne Criswell, Department of Homeland Security, Federal Acquisition Regulatory Council, Peter A. Feldman, Lesley A. Field, General Services Administration, Immigration and Customs Enforcement, Karla S. Jackson, Tae D. Johnson, Jeffrey A. Koses, James M. Murray, National Institutes of Health, Office of Management and Budget, L. Eric Patterson, Safer Federal Workforce Task Force, John M. Tenaglia, U.S. Food and Drug Administration, United States Bureau of Labor Statistics, United States Consumer Product Safety Commission, United States Office of Personnel Management, United States of America, Rochelle Walensky, Janet Woodcock, Shalanda Young, Jeffrey Zients. Filing fee \$ 505. (Avallone, Zachary) Modified text on 12/6/2021 (JJ). (Entered: 12/03/2021)
12/03/2021	53	EMERGENCY MOTION to Stay re 50 Memorandum Opinion & Order,, Terminate Motions, by Kiran Ahuja, Randolph D. Alles, William W. Beach, Joseph R. Biden, Robin Carnahan, Francis Collins, Deanne Criswell, Department of Homeland Security, Federal Acquisition Regulatory Council, Peter A. Feldman, Lesley A. Field, General Services Administration, Immigration and Customs Enforcement, Karla S. Jackson, Tae D. Johnson, Jeffrey A. Koses, James M. Murray, National Institutes of Health, Office of

		Management and Budget, L. Eric Patterson, Safer Federal Workforce Task Force, John M. Tenaglia, U.S. Food and Drug Administration, United States Bureau of Labor Statistics, United States Consumer Product Safety Commission, United States Office of Personnel Management, United States of America, Rochelle Walensky, Janet Woodcock, Shalanda Young, Jeffrey Zients (Attachments: # 1 Exhibit Ex. A - Decl. of L. Field, # 2 Proposed Order)(Avallone, Zachary) (Entered: 12/03/2021)
12/04/2021	54	NOTICE by Commonwealth of Kentucky re 53 EMERGENCY MOTION to Stay re 50 Memorandum Opinion & Order,, Terminate Motions, by Kiran Ahuja, Randolph D. Alles, William W. Beach, Joseph R. Biden, Robin Carnahan, Francis Collins, Deanne Criswell, Department of Homeland Security, Federal Acq <i>Intent to Respond</i> (Thacker, Christopher) (Entered: 12/04/2021)
12/06/2021	55	USCA Case Number 21-6147 Case Manager Julie Anne Connor for 52 Notice of Appeal filed by William W. Beach, et al(CBD) (Entered: 12/06/2021)
12/06/2021	56	ORDER: 1. Plaintiffs' shall have until the end of 12/8/2021 to file a response to Emergency Motion 53 to Stay Pending Appeal; and 2. Defendants' shall have until the end of 12/10/2021 to file a reply to Plaintiffs response. Signed by Judge Gregory F. VanTatenhove on 12/6/2021.(CBD)cc: COR (Entered: 12/06/2021)

PACER Service Center

Transaction Receipt

12/08/2021 11:16:27

PACER Login:	CRCClearinghouse	Client Code:	Kierum
Description:	Docket Report	Search Criteria:	3:21-cv-00055-GFVT
Billable Pages:	19	Cost:	1.90