U.S. District Court Western District of Louisiana (Monroe) CIVIL DOCKET FOR CASE #: 3:21-cv-03970-TAD-KDM

Louisiana et al v. Becerra et al Assigned to: Judge Terry A Doughty

Referred to: Magistrate Judge Kayla D McClusky

Case in other court: 5CCA, 21-30734

Cause: 05:702 Administrative Procedure Act

Date Filed: 11/15/2021 Jury Demand: None

Nature of Suit: 899 Other Statutes:

Administrative Procedures

Act/Review or Appeal of Agency

Decision

Jurisdiction: Federal Question

Plaintiff

State of Louisiana

represented by Elizabeth Baker Murrill

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V.

Defendant

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Defendant

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Defendant

Chiquita Brooks-Lasure

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Defendant

Centers for Medicare & Medicaid Services

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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
11/15/2021	1	COMPLAINT against Xavier Becerra, Chiquita Brooks-Lasure, Centers for Medicare & Medicaid Services, U S Dept of Health and Human Services (Filing fee \$402, receipt number ALAWDC-4895438) filed by State of Utah, State of Indiana, State of Montana, State of Louisiana, State of Idaho, State of Arizona, State of Oklahoma, State of West Virginia, State of Mississippi, State of Alabama, State of South Carolina, State of Georgia. (Attachments: # 1 Civil cover sheet)(Attorney Elizabeth Baker Murrill added to party State of Alabama(pty:pla), Attorney State of Arizona(pty:pla), State of Georgia(pty:pla), State of Idaho(pty:pla), State of Indiana(pty:pla), State of Mississippi(pty:pla), State of Montana(pty:pla), State of Mississippi(pty:pla), State of Montana(pty:pla), State of

		Oklahoma(pty:pla), State of South Carolina(pty:pla), State of Utah(pty:pla), State of West Virginia(pty:pla))(aty,Murrill, Elizabeth) Modified on 11/16/2021 to modify docket text. (Crick, S). (Entered: 11/15/2021)			
11/15/2021	2	MOTION for Preliminary Injunction by State of Alabama, State of Arizona, State of Georgia, State of Idaho, State of Indiana, State of Louisiana, State of Mississippi, State of Montana, State of Oklahoma, State of South Carolina, State of Utah, State of West Virginia. Motion Ripe Deadline set for 11/15/2021. (Attachments:			
		# 1 Memorandum in Support, # 2 Exhibit A, # 3			
		Exhibit B, $\# \underline{4}$ Exhibit C, $\# \underline{5}$ Exhibit D, $\# \underline{6}$			
		Exhibit E, # $\frac{7}{2}$ Exhibit F, # $\frac{8}{2}$ Exhibit G, # $\frac{9}{2}$			
		Exhibit H, # $\underline{10}$ Exhibit I, # $\underline{11}$ Exhibit J, # $\underline{12}$			
		Exhibit K, # $\underline{13}$ Exhibit L, # $\underline{14}$ Exhibit M, # $\underline{15}$			
		Exhibit N, # <u>16</u> Exhibit O, # <u>17</u> Exhibit P, # <u>18</u>			
		Proposed order)(aty,Murrill, Elizabeth). Added MOTION for Temporary Restraining Order on 11/16/2021 (Crick, S). Modified on 11/18/2021 to removed Motion for TRO - added in error. (Crick, S). (Entered: 11/15/2021)			
11/15/2021		CASE Assigned to Judge Terry A Doughty and Magistrate Judge Kayla D McClusky. (crt,Crick, S) (Entered: 11/16/2021)			
11/15/2021		NOTICE of Corrective Action to Elizabeth Baker Murrill on behalf of State of Alabama, State of Arizona, State of Georgia, State of Idaho, State of Indiana, State of Louisiana, State of Mississippi, State of Montana, State of Oklahoma, State of South Carolina, State			
		of Utah, State of West Virginia regarding 2 MOTION for Preliminary Injunction . Action taken: Terminated TRO event			
		added in error to 2 Motion for Preliminary Injunction. (crt,Crick, S) (Entered: 11/18/2021)			
11/16/2021	3	ISSUED IN ERROR. SUMMONS ISSUED as to Xavier Becerra, Chiquita Brooks-Lasure, Centers for Medicare & Medicaid Services, U S Dept of Health & Human Services. (crt,Crick, S) Modified on 11/16/2021 to indicate issued in error. 4 USA Summons issued. (Crick, S). (Entered: 11/16/2021)			

11/16/2021	4	SUMMONS ISSUED as to U S Attorney, U S Attorney General, Xavier Becerra, U S Dept of Health & Human Services, Chiquita Brooks-Lasure, Centers for Medicare & Medicaid Services. (crt,Crick, S) (Entered: 11/16/2021)		
11/16/2021		NOTICE of Corrective Action regarding 3 Summons Issued - All,. Action taken: Modified text to indicate issued in error. 4 Correct summons issued. (crt,Crick, S) (Entered: 11/16/2021)		
11/16/2021	<u>5</u>	*VACATED* MINUTE ENTRY: Plaintiff States are to promptly serve Defendants Xavier Becerra, United States Department of Health and Human Services, Chiquita Brooks-Lasure, and Centers for Medicare and Medicaid Services with the Complaint and Motion for Preliminary Injunction. Upon receipt, Defendants may file a Response to the Motion for Preliminary Injunction within fifteen (15) days. Plaintiff States may file a Reply five (5) days after Defendants files their Response. Signed by Judge Terry A Doughty on 11/16/2021. (crt,Miletello, A) Modified on 11/17/2021 to indicate vacated, see 6 Memorandum Order (Miletello, A). (Entered: 11/16/2021)		
11/17/2021	<u>6</u>	MEMORANDUM ORDER that Plaintiff States promptly serve Government Defendants with the Complaint and Motion for Preliminary Injunction. IT IS FURTHER ORDERED that Government Defendants file a Response to 2 Motion for Preliminary Injunction by Friday, November 26, 2021, at 5:00 p.m., CST. IT IS FURTHER ORDERED that Plaintiff States file a Reply to the Response by Wednesday, December 1, 2021, at 5:00 p.m., CST. IT IS FURTHER ORDERED that 5 Minute Entry dated November 16, 2021, is VACATED. Signed by Judge Terry A Doughty on 11/17/2021. (crt, Miletello, A) (Entered: 11/17/2021)		
11/19/2021	7	SUMMONS Returned Executed by State of Utah, State of Indiana, State of Montana, State of Louisiana, State of Idaho, State of Arizona, State of Oklahoma, State of West Virginia, State of Mississippi, State of Alabama, State of South Carolina, State of Georgia Xavier Becerra served on 11/19/2021, answer due 1/18/2022. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C)(aty,St John, Joseph) Modified on 11/22/2021 to modify date of service. (Crick, S). (Entered: 11/19/2021)		
11/19/2021	<u>8</u>	SUMMONS Returned Executed by State of Utah, State of Indiana, State of Montana, State of Louisiana, State of Idaho, State of Arizona, State of Oklahoma, State of West Virginia, State of Mississippi, State of Alabama, State of South Carolina, State of		

		Georgia Chiquita Brooks-Lasure served on 11/19/2021, answer due 1/18/2022. (Attachments: # 1/2 Exhibit A, # 2/2 Exhibit B, # 3/2 Exhibit C)(aty,St John, Joseph) Modified on 11/22/2021 to modify date of service. (Crick, S). (Entered: 11/19/2021)	
11/19/2021	9	SUMMONS Returned Executed by State of Utah, State of Indiana, State of Montana, State of Louisiana, State of Idaho, State of Arizona, State of Oklahoma, State of West Virginia, State of Mississippi, State of Alabama, State of South Carolina, State of Georgia Centers for Medicare & Medicaid Services served on 11/19/2021, answer due 1/18/2022. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C)(aty,St John, Joseph) Modified on 11/22/2021 to modify date of service. (Crick, S). (Entered: 11/19/2021)	
11/19/2021	10	SUMMONS Returned Executed by State of Utah, State of Indiana, State of Montana, State of Louisiana, State of Idaho, State of Arizona, State of Oklahoma, State of West Virginia, State of Mississippi, State of Alabama, State of South Carolina, State of Georgia U S Dept of Health & Human Services served on 11/19/2021, answer due 1/18/2022. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C)(aty,St John, Joseph) Modified on 11/22/2021 to modify date of service. (Crick, S). (Entered: 11/19/2021)	
11/22/2021	11	AMENDED COMPLAINT against Xavier Becerra, Chiquita Brooks-Lasure, Centers for Medicare & Medicaid Services, U S Dept of Health & Human Services filed by State of Utah, State of Indiana, State of Montana, State of Louisiana, State of Idaho, State of Arizona, State of Oklahoma, State of West Virginia, State of Mississippi, State of Alabama, State of South Carolina, State of Georgia, Commonwealth of Kentucky, State of Ohio.(aty,Faircloth, Jimmy) Modified on 11/23/2021 to modify docket text.(Crick, S). (Entered: 11/22/2021)	
11/22/2021	12	NOTICE of Joinder to 2 MOTION for Preliminary Injunction by Commonwealth of Kentucky, State of Ohio (aty,Faircloth, Jimmy) Modified on 11/23/2021 to modify docket text.(Crick, S). (Entered: 11/22/2021)	
11/23/2021	13	SUMMONS ISSUED as to U S Attorney, U S Attorney General, Xavier Becerra, U S Dept of Health & Human Services, Chiquita Brooks-Lasure, Centers for Medicare & Medicaid Services. (crt,Crick, S) (Entered: 11/23/2021)	

11/23/2021	<u>14</u>	MOTION for Marc Manley to Appear Pro Hac Vice (Admission fee: \$105, receipt number ALAWDC-4904707) by Commonwealth of Kentucky. Motions referred to Kayla D McClusky. Motion Ripe Deadline set for 11/23/2021. (Attachments: # 1 Proposed order, # 2 Certificate of good standing)(aty,Faircloth, Jimmy) (Entered: 11/23/2021)	
11/23/2021	<u>15</u>	NOTICE of Appearance by Joel L McElvain on behalf of Xavier Becerra, Chiquita Brooks-Lasure, Centers for Medicare & Medicaid Services, U S Dept of Health & Human Services (Attorney Joel L McElvain added to party Xavier Becerra(pty:dft), Attorney Joel L McElvain added to party Chiquita Brooks-Lasure(pty:dft), Attorney Joel L McElvain added to party Centers for Medicare & Medicaid Services(pty:dft), Attorney Joel L McElvain added to party U S Dept of Health & Human Services(pty:dft)) (aty,McElvain, Joel) (Entered: 11/23/2021)	
11/26/2021	<u>16</u>	NOTICE of Appearance by Michael Drezner on behalf of Xavier Becerra, Chiquita Brooks-Lasure, Centers for Medicare & Medicaid Services, U S Dept of Health & Human Services (Attorney Michael Drezner added to party Xavier Becerra(pty:dft), Attorney Michael Drezner added to party Chiquita Brooks-Lasure(pty:dft), Attorney Michael Drezner added to party Centers for Medicare & Medicaid Services(pty:dft), Attorney Michael Drezner added to party U S Dept of Health & Human Services(pty:dft)) (aty,Drezner, Michael) (Entered: 11/26/2021)	
11/26/2021	<u>17</u>	NOTICE of Appearance by Julie Straus Harris on behalf of Xavier Becerra, Chiquita Brooks-Lasure, Centers for Medicare & Medicaid Services, U S Dept of Health & Human Services (Attorney Julie Straus Harris added to party Xavier Becerra(pty:dft), Attorney Julie Straus Harris added to party Chiquita Brooks-Lasure(pty:dft), Attorney Julie Straus Harris added to party Centers for Medicare & Medicaid Services(pty:dft), Attorney Julie Straus Harris added to party U S Dept of Health & Human Services(pty:dft)) (aty,Harris, Julie) (Entered: 11/26/2021)	
11/26/2021	<u>18</u>	NOTICE of Appearance by Jonathan D Kossak on behalf of Xavier Becerra, Chiquita Brooks-Lasure, Centers for Medicare & Medicaid Services, U S Dept of Health & Human Services (Attorney Jonathan D Kossak added to party Xavier Becerra(pty:dft), Attorney Jonathan D Kossak added to party Chiquita Brooks-Lasure(pty:dft), Attorney Jonathan D Kossak added to party Centers for Medicare & Medicaid Services(pty:dft), Attorney Jonathan D Kossak added to party U S Dept of Health & Human Services(pty:dft)) (aty,Kossak, Jonathan) (Entered: 11/26/2021)	

11/26/2021	<u>19</u>	Consent MOTION for Leave to File Excess Pages re 2 Motion for Preliminary Injunction by Xavier Becerra, Chiquita Brooks-Lasure, Centers for Medicare & Medicaid Services, U S Dept of Health & Human Services. Motions referred to Kayla D McClusky. Motion Ripe Deadline set for 11/26/2021. (Attachments: # 1 Proposed pleading, # 2 Proposed order)(aty,McElvain, Joel) Modified on 11/29/2021 to create docket entry relationship and modify docket text.(Crick, S). (Entered: 11/26/2021)		
11/26/2021		Motions Transferred regarding 19 Consent MOTION for Leave to File Excess Pages re 2 Motion for Preliminary Injunction. Motions referred to Judge Terry A Doughty. (crt,Crick, S) (Entered: 11/29/2021)		
11/29/2021	<u>20</u>	ORDER granting 19 Motion for Leave to File Excess Pages. Signed by Judge Terry A Doughty on 11/29/2021. (crt,Crawford, A) (Entered: 11/29/2021)		
11/29/2021	21	MEMORANDUM in Opposition to 2 MOTION for Preliminary Injunction filed by Xavier Becerra, Chiquita Brooks-Lasure, Centers for Medicare & Medicaid Services, U S Dept of Health & Human Services. (crt,Crawford, A) (Entered: 11/29/2021)		
11/29/2021	22	MOTION to Expedite consideration of 2 MOTION for Preliminary Injunction <i>on Written Submissions</i> by State of Alabama, State of Arizona, State of Georgia, State of Idaho, State of Indiana, Commonwealth of Kentucky, State of Louisiana, State of Mississippi, State of Montana, State of Ohio, State of Oklahoma, State of South Carolina, State of Utah, State of West Virginia. Motions referred to Kayla D McClusky. Motion Ripe Deadline set for 11/29/2021. (Attachments: # 1 Memorandum / Brief, # 2 Proposed order)(aty,Faircloth, Jimmy). Added MOTION to set Response date in error on 11/29/2021 (Crawford, A). (Entered: 11/29/2021)		
11/29/2021		Motions Transferred regarding 22 MOTION to Expedite consideration of 2 MOTION for Preliminary Injunction <i>on Written Submissions</i> . Motions referred to Judge Terry A Doughty. (crt,Crick, S) (Entered: 11/29/2021)		

11/29/2021	23	ORDER granting 22 Motion to Expedite Consideration. Signed by Judge Terry A Doughty on 11/29/2021. (crt,Crawford, A) (Entered: 11/29/2021)		
11/29/2021	24	Unopposed MOTION for Leave to File Excess Pages re Reply to 2 Motion for Preliminary Injunction by State of Alabama, State of Arizona, State of Georgia, State of Idaho, State of Indiana, Commonwealth of Kentucky, State of Louisiana, State of Mississippi, State of Montana, State of Ohio, State of Oklahoma, State of South Carolina, State of Utah, State of West Virginia. Motions referred to Kayla D McClusky. Motion Ripe Deadline set for 11/29/2021. (Attachments: # 1 Proposed pleading, # 2 Proposed order)(aty,Faircloth, Jimmy) Modified on 11/30/2021 to create docket entry relationship. (Crick, S). (Entered: 11/29/2021)		
11/29/2021		Motions Transferred regarding 24 Unopposed MOTION for Leave to File Excess Pages re Reply to 2 Motion for Preliminary Injunction. Motions referred to Judge Terry A Doughty. (crt,Crick, S) (Entered: 11/30/2021)		
11/30/2021	<u>25</u>	ORDER granting 24 Motion for Leave to File Excess Pages. Signed by Judge Terry A Doughty on 11/30/2021. (crt,Crawford, A) (Entered: 11/30/2021)		
11/30/2021	<u>26</u>	REPLY to Response to 2 MOTION for Preliminary Injunction filed by Plaintiff States. (crt,Crawford, A) (Entered: 11/30/2021)		
11/30/2021	27	MOTION for Lindsay S. See to Appear Pro Hac Vice (Admission fee: \$105, receipt number ALAWDC-4910469) by State of West Virginia. Motions referred to Kayla D McClusky. Motion Ripe Deadline set for 11/30/2021. (Attachments: # 1 Certificate of good standing, # 2 Proposed order)(aty,Murrill, Elizabeth) (Entered: 11/30/2021)		
11/30/2021	<u>28</u>	MEMORANDUM RULING re 2 MOTION for Preliminary Injunction filed by State of Louisiana, State of Indiana, State of Montana, State of Arizona, State of Mississippi, State of Utah, State of Idaho, State of Georgia, State of Oklahoma, State of South Carolina, State of Alabama, State of West Virginia. Signed by Judge Terry A Doughty on 11/30/2021. (crt,Crawford, A) (Entered: 11/30/2021)		

11/30/2021	<u>29</u>	ORDER granting 2 Motion for Preliminary Injunction. Signed by Judge Terry A Doughty on 11/30/2021. (crt,Crawford, A) (Entered: 11/30/2021)			
12/01/2021	<u>30</u>	ORDER granting 14 Motion to Appear Pro Hac Vice for appearance of Marc Edwin Manley for Commonwealth of Kentucky. Signed by Magistrate Judge Kayla D McClusky on 11/30/2021. (crt,Leday, A) (Entered: 12/01/2021)			
12/01/2021	31	NOTICE OF APPEAL as to 29 Order on Motion for Preliminary Injunction, 28 Memorandum Ruling, by Xavier Becerra, Chiquita Brooks-Lasure, Centers for Medicare & Medicaid Services, U S Dept of Health & Human Services. (Filed on behalf of USA - Filing Fee not required) (aty,McElvain, Joel) (Entered: 12/01/2021)			
12/01/2021	32	MOTION to Stay re 29 Order on Motion for Preliminary Injunction, 28 Memorandum Ruling, <i>Motion for Stay Pending Appeal</i> by Xavier Becerra, Chiquita Brooks-Lasure, Centers for Medicare & Medicaid Services, U S Dept of Health & Human Services. Motions referred to Kayla D McClusky. Motion Ripe Deadline set for 12/1/2021. (Attachments: # 1 Memorandum / Brief, # 2 Proposed order)(aty,McElvain, Joel) (Entered: 12/01/2021)			
12/01/2021	33	MOTION for Thomas M. Fisher to Appear Pro Hac Vice (Admission fee: \$105, receipt number ALAWDC-4911714) by State of Indiana. Motions referred to Kayla D McClusky. Motion Ripe Deadline set for 12/1/2021. (Attachments: # 1 Certificate of good standing, # 2 Proposed order)(aty,Murrill, Elizabeth) (Entered: 12/01/2021)			
12/01/2021		Motions Transferred regarding 32 MOTION to Stay re 29 Order on Motion for Preliminary Injunction, 28 Memorandum Ruling, Motion for Stay Pending Appeal.			

		Motions referred to Judge Terry A Doughty. (crt,Crick, S) (Entered: 12/01/2021)	
12/01/2021	34	ORDER granting <u>27</u> Motion to Appear Pro Hac Vice for appearance of Lindsay S See for State of West Virginia. Signed by Magistrate Judge Kayla D McClusky on 12/1/2021. (crt,Leday, A) (Entered: 12/01/2021)	
12/01/2021	<u>35</u>	MEMORANDUM ORDER denying 32 Motion to Stay Pending Appeal. Signed by Judge Terry A Doughty on 12/1/2021. (crt,Crawford, A) (Entered: 12/01/2021)	
12/02/2021	<u>36</u>	MOTION for Thomas T. Hydrick to Appear Pro Hac Vice (Admission fee: \$105, receipt number ALAWDC-4913636) by State of South Carolina. Motions referred to Kayla D McClusky. Motion Ripe Deadline set for 12/2/2021. (Attachments: # 1 Proposed order, # 2 Certificate of good standing)(aty,Faircloth, Jimmy) (Entered: 12/02/2021)	
12/02/2021	<u>37</u>	ORDER granting 33 Motion to Appear Pro Hac Vice for appearance of Thomas M Fisher for State of Indiana. Signed by Magistrate Judge Kayla D McClusky on 12/2/2021. (crt,Leday, A) (Entered: 12/02/2021)	
12/02/2021		Set Deadline for Clerk re 31 Notice of Appeal: Certify Appeal Record (21-30734) by Clerk to COA 12/17/2021. (crt, WalkerSld, B) (Entered: 12/07/2021)	
12/03/2021		USCA Case Number 21-30734 for 31 Notice of Appeal, filed by Chiquita Brooks-Lasure, Xavier Becerra, Centers for Medicare & Medicaid Services, U S Dept of Health & Human Services. (crt,WalkerSld, B) (Entered: 12/03/2021)	
12/03/2021	38	ORDER granting 36 Motion to Appear Pro Hac Vice for appearance of Thomas T Hydrick for State of South Carolina. Signed by Magistrate Judge Kayla D McClusky on 12/3/2021. (crt,Leday, A) (Entered: 12/03/2021)	

PACER Service Center

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