

**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 Consolidate [Doc. No. 236] filed by Robert F. Kennedy, Jr. (“Kennedy”), Children’s Health Defense (“CHD”), and Connie Sampognaro (“Sampognaro”). Kennedy, CHD, and Sampognaro move to consolidate the instant case with their just-filed case *Kennedy et al. v. Biden et al.*, Case No. 3:23-cv-00381. Although the Court did not order briefing on this Motion, Defendants submitted a brief indicating that they do not oppose the Motion [Doc. No. 238].

For the reasons set forth more fully herein, the Court **DEFERS** ruling on the Motion to Consolidate until the Court reaches its resolution on both the Motion for Preliminary Injunction [Doc. No. 10] and Motion for Leave to Amend Complaint to Add Class Allegations and for Class Certification [Doc. No. 227] in the instant case.

I. BACKGROUND

Missouri et al. v. Biden et al., No. 3:22-cv-01213, is a suit centered on allegations of government censorship of free speech by means of coercion and/or significant encouragement toward social-media platforms. Plaintiffs filed a Motion for Preliminary Injunction [Doc. No. 10]. Plaintiffs submitted their Supplemental Memorandum in Support of Preliminary Injunction [Doc. No. 214] on March 7, 2023. Defendants’ response to the Motion has yet to be filed, but the Court ordered that it be filed on or before May 2, 2023, with a fifteen day reply time for Plaintiffs.

Additionally, oral arguments on the Motion for Preliminary Injunction are scheduled for May 26, 2023.

Currently, the Motion for Preliminary Injunction [Doc. No. 10] and a Motion for Leave to Amend Complaint to Add Class Allegations and for Class Certification [Doc. No. 227], both filed by Plaintiffs, are pending in this matter.

The *Kennedy et al. v. Biden et al.* matter makes similar allegations of *Missouri et al. v. Biden et al.* regarding government censorship of free speech by censorship and/or significant encouragement toward social-media platforms. The *Kennedy* case also requests a certification for class action for online news consumers. Each plaintiff in this proceeding also alleges injuries due to the suppression by Defendants of content on social media platforms.

Defendants filed a response to the instant Motion, which states that they do not oppose the request made by Kennedy, CHD, and Sampognaro; however, they did state that if the Court granted this Motion, then the *Kennedy* Plaintiffs should not be permitted to file a motion for preliminary injunction, a motion for class certification, or to make any submissions in connection with the *Missouri* Plaintiffs' preliminary injunction motion until after that motion is heard by this Court on May 26, 2023.

II. ANALYSIS

Due to the current procedural status of this case and the voluminous filings already made in relation to the pending motions, the Court finds that it would not be appropriate at this time to consolidate these matters. The two pending motions before the Court are still not fully briefed. The Court agrees with Defendants that allowing the *Kennedy* Plaintiffs to submit a separate motion for preliminary injunction, consolidation of that motion with the *Missouri* Plaintiffs' Motion, and submission by the *Kennedy* Plaintiffs of a motion for certification of their putative class prior to

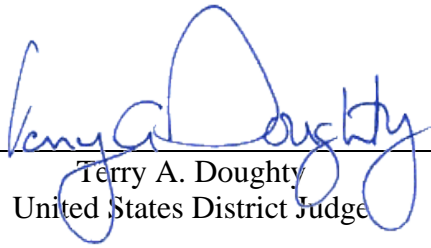
the Court hearing the *Missouri* Plaintiffs' outstanding motions would place a substantial burden on both the Court and Defendants. Judicial economy warrants deferring a ruling on the Motion to Consolidate [Doc. No. 236] until after the Court's resolution of the above-mentioned outstanding motions [Doc. Nos. 10 and 227] pursuant to Fed. R. Civ. P. 1.

III. CONCLUSION

For the reasons set forth herein,

IT IS ORDERED that the Court **DEFERS** a ruling on the Motion to Consolidate [Doc. No. 236] filed by Robert F. Kennedy, Jr., Children's Health Defense, and Connie Sampognaro until a resolution has been rendered on the pending Motion for Preliminary Injunction [Doc. No. 10] and Motion for Leave to Amend Complaint to Add Class Allegations and for Class Certification [Doc. No. 227] in *Missouri et al. v. Biden et al.*

MONROE, LOUISIANA, this 4th day of April 2023.



Terry A. Doughty
United States District Judge