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APPENDIX A

NOT RECOMMENDED FOR PUBLICATION
File Name: 22a0381n.06

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

No. 22-1232

[Filed September 22, 2022]

KIMBERLY BEEMER; ROBERT JOSEPH MUISE,	)
Plaintiffs-Appellants,	)
v.	)
GRETCHEN WHITMER, in her official capacity as Governor for the State of Michigan; DANA NESSEL, in her official capacity as the Attorney General for the State of Michigan,	)
Defendants-Appellees.	)

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MICHIGAN

OPINION

Before: SUTTON, Chief Judge; DONALD and MURPHY, Circuit Judges.

BERNICE BOUIE DONALD, Circuit Judge. We are once again faced with legal challenges to the executive orders issued by Michigan Governor Gretchen Whitmer during the global COVID-19 pandemic. Like most states during the pandemic, the State of Michigan issued a stay-at-home order to combat the opening surge of the virus. The order mandated a temporary suspension of all activities deemed not essential to sustain or protect life. Among those activities were extended family gatherings, recreational travel within the state, and the operation of firearm stores. Alleging several constitutional deprivations, two Michigan residents, Kimberly Beemer and Robert Muise, brought suit against Whitmer and other state officials to block the order. Eight days later, Whitmer rescinded the order, and the district court terminated the action as moot. On appeal, the plaintiffs assert two well-known (and, unfortunately for them, well-litigated) exceptions to the mootness doctrine. For the following reasons, we affirm.

I.

On March 10, 2020, the Michigan Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in the state. That same day, Governor Whitmer declared a "state of emergency" pursuant to the Emergency Powers of the Governor Act of 1945 (the "EPGA") and the Emergency

Management Act of 1976 (the "EMA"). Over the following weeks, the number of positive cases surged. By April 8, 2020, the state had reported 20,346 confirmed cases of COVID-19 and 959 deaths from it.

On April 9, 2020, Whitmer issued Executive Order 2020-42 ("EO 2020-42"), the second iteration of her "Stay Home, Stay Safe" order.[1] She again cited the EPGA and the EMA as authority. The stated purpose of EO 2020-42 was "[t]o suppress the spread of COVID-19, to prevent the state's health care system from being overwhelmed, to allow time for the production of critical test kits, ventilators, and personal protective equipment, and to avoid needless deaths[.]" R. 25-1, Page ID#: 419.

The order provided, in pertinent part:

> 2. Subject to the exceptions in section 7 of this order, all individuals currently living within the State of Michigan are ordered to stay at home or at their place of residence. Subject to the same exceptions, all public and private gatherings of any number of people occurring among persons not part of a single household are prohibited.
>
> . . .
>
> 7. Exceptions.
> (a) Individuals may leave their home or place of residence, and travel as necessary:

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[1] Whitmer issued the first iteration of her "Stay Home, Stay Safe" order, Executive Order 2020-21, seventeen days prior on March 23, 2020.

(1) To engage in outdoor physical activity, consistent with remaining at least six feet from people from outside the individual's household. Outdoor physical activity includes walking, hiking, running, cycling, kayaking, canoeing, or other similar physical activity[.]

2. To perform their jobs as critical infrastructure workers[.]

. . .

(5) To perform tasks that are necessary to their health and safety, or to the health and safety of their family or household members (including pets).

. . .

(6) To obtain necessary services or supplies for themselves, their family or household members, their pets, and their vehicles.

. . .

(b) Individuals may also travel:

(1) To return to a home or place of residence from outside this state.

(2) To leave this state for a home or residence elsewhere.

(3) Between two residences in this state, through April 10, 2020. After that date, travel between two residences is not permitted.

. . .

(c) All other travel is prohibited, including all travel to vacation rentals.

Id. at Page ID#: 419-22. The order took effect on "April 9, 2020 at 11:59 pm" and, by its terms, "continue[d] through April 30, 2020 at 11:59 pm." *Id.* at Page ID#: 427. However, Whitmer avowed to "evaluate the continuing need for this order prior to its expiration." *Id.* Of particular importance, Whitmer would consider "(1) data on COVID-19 infections and the disease's rate of spread; (2) whether sufficient medical personnel, hospital beds, and ventilators exist to meet anticipated medical need; (3) the availability of personal protective equipment for the health-care workforce; (4) the state's capacity to test for COVID-19 cases and isolate infected people; and (5) economic conditions in the state." *Id.*

As residents of Michigan, the plaintiffs found themselves directly within the scope of these provisions; Kimberly Beemer had to cease all recreational travel to her in-state, lake cottage, and Robert Muise could no longer patronize local gun shops and ranges. On April 15, 2020, two weeks after the issuance of EO 2020-42, the plaintiffs brought suit against Whitmer and other state officials, alleging that the restrictions imposed by EO 2020-42 violated several constitutional rights, including those under the Due Process Clause, Equal Protection Clause, First Amendment, and Second Amendment. They sought both a declaratory judgment and permanent injunctive relief from the order.

On April 24, 2020, Whitmer issued Executive Order 2020-59 ("EO 2020-59") to rescind EO 2020-42. When the plaintiffs continued to push forward with their claims, the Michigan officials moved to dismiss the action on mootness grounds. During the pendency of

the motion, the Supreme Court of Michigan held that the EPGA violated the nondelegation doctrine of the Michigan Constitution and concluded that the EMA could not provide a basis to issue executive orders relating to the COVID-19 pandemic after April 30, 2020. *See In re Certified Questions from the U.S. Dist. Ct., W. Dist. of Mich., S. Div.*, 958 N.W.2d 1 (Mich. 2020). This decision, coupled with the governor's recission of EO 2020-42, provided the district court reason to dismiss both the motion and the complaint as moot. This timely appeal followed.

II.

"Article III of the United States Constitution limits the federal judicial power to 'Cases' and 'Controversies.'" *Radiant Glob. Logistics, Inc. v. Furstenau*, 951 F.3d 393, 395 (6th Cir. 2020) (citing U.S. Const. art. III, § 2, cl. 1). "A case becomes moot—and therefore no longer a 'Case' or 'Controversy' for purposes of Article III—'when the issues presented are no longer "live" or the parties lack a legally cognizable interest in the outcome.'" *Already, LLC v. Nike, Inc.*, 568 U.S. 85, 91 (2013) (quoting *Murphy v. Hunt*, 455 U.S. 478, 481 (1982)). Thus, "[i]f events occur during the case . . . that make it 'impossible for the court to grant any effectual relief whatever to a prevailing party,' the [matter] must be dismissed as moot." *Fialka-Feldman v. Oakland Univ. Bd. of Trs.*, 639 F.3d 711, 713 (6th Cir. 2011) (quoting *Church of Scientology v. United States*, 506 U.S. 9, 12 (1992)). "We review de novo a district court's decision regarding mootness." *Cleveland Branch, N.A.A.C.P. v. City of Parma*, 263 F.3d 513, 530 (6th Cir. 2001).

On April 24, 2020, Whitmer issued a new executive order, EO 2020-59, that lifted the stay-at-home order. The parties stipulated that EO 2020-59 did not prohibit the same activities that formed the basis of their complaint. And the district court found that "the Michigan Supreme Court's ruling eliminated all reasonable possibilities that Whitmer could extend the state of emergency and reinstitute the restrictions about which Plaintiffs complain[ed]." R. 47, Page ID#: 1336. Accordingly, the court determined that it could not grant any effectual relief to the plaintiffs, and "there no longer exist[ed] a 'substantial controversy . . . *of sufficient immediacy and reality* to warrant the issuance of a declaratory judgment.'" *Id.* at Page ID#: 1336-37 (emphasis in original) (citing *Thompson v. DeWine*, 7 F.4th 521, 524 (6th Cir. 2021)). While the plaintiffs do not dispute these factual findings, they contend that two exceptions can salvage their claims: (1) capable of repetition yet evading review and (2) voluntary cessation.

The plaintiffs are up against an insurmountable wealth of case law. We first explored these issues in *League of Independent Fitness Facilities and Trainers, Inc. v. Whitmer*, 843 F. App'x 707 (6th Cir. 2021). In that case, a trade organization for fitness facilities challenged executive orders mandating the closure of indoor gyms. However, on appeal, the parties agreed that two subsequent events rendered the matter moot. *Id.* at 709. First, the governor had issued a new executive order that lifted the prior restrictions on indoor fitness facilities, and therefore, we could not grant any effectual relief. *Id.* Second, "[e]ven if [the governor] wanted to reenact the challenged executive

orders, the Supreme Court of Michigan has held that she lacks such authority." *Id.* For these reasons, we concluded that the appeal was moot and declined to address the merits of the preliminary injunction request.

We have since reaffirmed that holding. Once in *Thompson v. Whitmer*, No. 21-2602, 2022 WL 168395 (6th Cir. Jan. 19, 2022), and again in *Midwest Institute of Health, PLLC v. Whitmer*, Nos. 21-1611/1650, 2022 WL 304954 (6th Cir. Feb. 2, 2022). In *Thompson*, a group of Michigan residents challenged dozens of executive orders that closed in-state businesses and directed residents to stay home. Although the residents may have alleged an injury at the start of the litigation, we found that the governor's decision to rescind the executive orders eliminated the injury. *Id.* at *4. We acknowledged that "whether the governor's voluntary decision to rescind the order *by itself* sufficed to prove that she was not reasonably likely to reissue a similar order might have raised a difficult mootness question." *Id.* (emphasis in original). However, citing *League of Independent Fitness Facilities*, we determined that the Michigan Supreme Court's decision which found that "the governor lacked authority to issue any of the executive orders under Michigan law [made] it absolutely clear the allegedly wrongful behavior could not reasonably be expected to recur." *Id.* (internal quotations omitted). We accordingly held that "the combined effect of the governor's decision rescinding the executive orders and the Michigan Supreme Court's decision finding them invalid" rendered the case moot without exception. *Id.*

Similarly, in *Midwest Institute of Health*, a group of healthcare providers challenged executive orders postponing non-essential medical care. We found that the plaintiffs sought "a declaratory judgment with respect to specific orders, orders the Governor and Director [of the Michigan Department of Health] withdrew after the Michigan Supreme Court ruled," and therefore, the complaint no longer presented live issues. *Midwest Inst. of Health*, 2022 WL 304954, at *2. We further determined, "Any suggestion that the Governor might reenact materially identical orders withers under the light of the Michigan Supreme Court's ruling that she may not." *Id.* We likewise concluded that the declaratory judgment counts were moot without exception. *Id.* We most recently visited the issues in *Resurrection School v. Hertel*, 35 F.4th 524 (6th Cir. 2022) (en banc). There, a private religious elementary school challenged executive orders requiring masks in public settings. Although the state later rescinded the mask mandate, the school argued that two exceptions applied to evade the mootness doctrine—voluntary cessation and capable of repetition yet evading review. *Id.* at 528. With respect to voluntary cessation, we expounded upon our previous holdings and found that three circumstances hindered any reasonable possibility of the challenged conduct reoccurring: (1) the relevant circumstances had dramatically changed since the imposition of the statewide mask mandate, including high vaccination rates, low case counts, new treatment options, and warmer weather; (2) the state rescinded the mandate in response to the changed circumstances of the pandemic, not in response to the lawsuit; and (3) the Supreme Court and other courts have since ruled on

the constitutionality of a number of COVID-19 mandates and restrictions. *Id.* at 529. We further determined that the capable-of-repetition-yet-evading-review exception was inapposite for largely the same reasons, again citing the advancements made to combat COVID-19. *Id.* at 530. For those reasons, we held that the appeal was "palpably" moot. *Id.*

In a separate concurrence, Judge Moore identified three additional considerations for review: (1) the approval of a vaccine for school-aged children; (2) the refusal to impose new mandates during subsequent spikes in COVID-19 caused by the Delta and Omicron variants; and (3) the one-year lapse without a similar mask mandate. *Id.* at 530-31. With no viable prospect of the state reimposing a similar order, Judge Moore agreed that the appeal was moot.

These same considerations hold true here; the stay-at-home order has long been rescinded, and the plaintiffs have not set forth any likelihood of Whitmer reissuing it in a similar form. Therefore, we see no reason to depart from this line of cases, and the plaintiffs' claims are moot.

III.

For these reasons, the district court's judgment is **AFFIRMED**.

APPENDIX B

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

No. 1:20-cv-323
Honorable Paul L. Maloney

[Filed February 24, 2022]

KIMBERLY BEEMER and ROBERT MUISE, Plaintiffs,	)
-v-	)
GRETCHEN WHITMER, *et al.* Defendants.	)

ORDER DISMISSING MOTION AND DISMISSING LAWSUIT

In early 2020, Governor Gretchen Whitmer began issuing a series of Executive Orders designed to slow the spread of COVID-19. This lawsuit arose from Executive Order 2020-42, one of the early executive orders and one of the more restrictive executive orders. Relying on the nondelegation doctrine in the Michigan Constitution, the Michigan Supreme Court has since found unconstitutional the statute on which Governor Whitmer relied to issue this Executive Order. The

Court concludes that it cannot provide Plaintiffs any relief and, therefore, will dismiss this lawsuit as moot.

I.

Whitmer issued EO 2020-42 on April 9, 2020, and the EO stated that it would continue through April 30. In the EO, Whitmer declared a state of emergency and cited the Emergency Management Act and the Emergency Powers of the Governor Act as authority. With an exception for critical infrastructure workers, the EO generally prohibited in-person work that was not necessary to sustain or protect life. The EO required people living in Michigan to stay at home, with enumerated exceptions for certain jobs and activities.

Plaintiffs filed this lawsuit on April 15, 2020. Plaintiffs alleged multiple violations of their constitutional rights. In the initial complaint, Plaintiffs asserted causes of action for violations of (1) Equal Protection, (2) Due Process, (3) the Contract Clause, (4) the Second Amendment, and (5) the Right of Association. Plaintiffs sought a temporary restraining order and the Court set a hearing for April 30. The Magistrate Judge held a status conference April 24. That same day, Defendant Whitmer issued Executive Order 2020-59, which rescinded EO 2020-42.

On April 26, the parties submitted a stipulation resolving Plaintiffs' request for a temporary restraining order and for a preliminary injunction, which the Court entered on April 27 (ECF No. 24). The stipulation contains a series of statements explaining how EO

2020-59 affects the specific claims and injuries alleged by Plaintiffs in the complaint.

Plaintiffs filed an amended complaint on April 28, 2020. (ECF No. 25.) Plaintiffs sued Defendants in their official capacities. Plaintiffs continued to assert claims based on the restrictions in EO 2020-42; they dropped their Contracts Clause claim and added a claim for violation of the Free Exercise Clause. Plaintiffs alleged that the stipulation remedied the immediate harm but did not resolve the underlying constitutional issues because the voluntary cessation of illegal conduct did not prevent Defendants from reinstituting the same or similar restrictions in the future. (Am. Compl. ¶¶ 56 and 57 PageID.407-08.) Plaintiffs requested both injunctive and declaratory relief.

In May 2020, Defendants Whitmer and Dana Nessel filed a motion to dismiss. (ECF No. 35.) Defendants argue, among other things, that Plaintiffs claims are moot. Before the parties completed briefing on this motion, developments in another lawsuit came to bear.

Governor Whitmer faced a number of lawsuits as a result of her Executive Orders. About the same time that Defendants filed their motion to dismiss, a group of medical providers filed a lawsuit against Whitmer and sought a preliminary injunction. *Midwest Inst. of Health v. Whitmer*, No. 1:20cv414 (W.D. Mich.). As part of their complaint, the *Midwest Institute* Plaintiffs challenged the statutory authority on which Whitmer based her executive orders. On June 16, 2020, this Court certified a question to the Michigan Supreme Court asking for a clarification whether, after April 30, Governor Whitmer had authority to renew or issue

executive orders related to the COVID-19 pandemic. (ECF No. 44.)

On October 2, 2020, the Michigan Supreme Court issued its opinion. *In re Certified Questions from United States District Court*, 958 N.W.2d 1 (Mich. 2020). The court first held that the Emergency Management Act (EMA) did not permit Whitmer to extend a declaration of a state of emergency or state of disaster beyond April 30, 2020. *Id.* at 9-11. The court then found that Emergency Powers of the Governor Act (EPGA) violated the nondelegation doctrine of Michigan's Constitution. *Id.* at 16-25. The court held that the EPGA was unconstitutional. *Id.* at 25.

II.

Federal courts are courts of limited jurisdiction and may only exercise those powers authorized by the United States Constitution and by federal statutes enacted by Congress. *See Kokkonen v. Guardian Life Ins. Co. of America*, 511 U.S. 375, 377 (1994). Under Article III of our Constitution, federal courts may exercise authority over cases or controversies. U.S. Const. art. III, § 2. "To invoke federal-court jurisdiction, a plaintiff must demonstrate that he possesses a legally cognizable interest, or 'personal stake' in the outcome of the action." *Genesis Healthcare Corp. v. Symczyk*, 569 U.S. 66, 71 (2013) (citation omitted).

> A corollary to this case-or-controversy requirement is that an "actual controversy must be extant at all stages of review, not merely at the time the complaint is filed." If an intervening

> circumstance deprives the plaintiff of a "personal stake in the outcome of the lawsuit," at any point during the litigation, the lawsuit can no longer proceed and must be dismissed as moot.

Id. at 71-72 (internal citations and citation omitted); *see Thompson v. DeWine*, 7 F4th 521, 523 (6th Cir. 2021). "A case becomes moot only when it is impossible for a court to grant any effectual relief whatever to the prevailing party." *Knox v. Serv. Emps. Int'l Union, Local 1000*, 567 U.S. 298, 307 (2012) (internal quotation marks omitted) (quoting *Erie v. Pap's A.M.*, 529 U.S. 277, 287 (2000)). Federal courts can raise subject-matter jurisdiction concerns sua sponte, including mootness concerns. *See Thomas v. City of Memphis*, 996 F.3d 318, 329 (6th Cir. 2021).

The Court concludes Plaintiffs' claims and their requested remedies are moot. Whitmer rescinded EO 2020-42. The parties stipulated that EO 2020-59 did not prohibit Plaintiffs from doing what they alleged, in the initial complaint, they were prohibited from doing by EO 2020-42. And, the Michigan Supreme Court's ruling eliminated all reasonable possibilities that Whitmer could extend the state of emergency and reinstitute the restrictions about which Plaintiffs complain. The Court cannot enjoin Defendants from issuing and enforcing restrictions that they no longer have the authority enact. And, following these events, there no longer exists a "substantial controversy, between parties having adverse legal interests, *of sufficient immediacy and reality* to warrant the

issuance of a declaratory judgment."[1] *Thompson*, 7 F.4th at 524 (italics in original).

III.

Under the circumstances, the Court cannot grant Plaintiffs any effectual relief. The rescission of EO 2020-42 and the parties' stipulation removed any threat of prosecution from the restrictions complained about in the complaint. There is no current act for the Court to enjoin. The Michigan Supreme Court's subsequent ruling eliminated any reasonable possibility that Defendants would reinstitute the restrictions. There ruling eliminates the need for the Court to enjoin future acts. And, without a continuing controversy, the Court has no basis for issuing any declaration.

Accordingly, the Court **DISMISSES AS MOOT** Defendants' motion to dismiss. (ECF No. 35.) The Court also **DISMISSES AS MOOT** the claims in the amended complaint. **IT IS SO ORDERED.**

Date: February 24, 2022 /s/ Paul L. Maloney
Paul L. Maloney
United States
District Judge

[1] To the extent Plaintiffs request a declaration that EO 2020-42 violated their constitutional rights, the Supreme Court foreclosed that possibility in *Green v. Mansour*, 474 U.S. 64, 72-73 (1985).

APPENDIX C

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

No. 1:20-cv-323
Honorable Paul L. Maloney

[Filed February 24, 2022]

KIMBERLY BEEMER and ROBERT MUISE, Plaintiffs,	)
-v-	)
GRETCHEN WHITMER, *et al.* Defendants.	)

JUDGMENT

The Court has dismissed all pending claims as moot. As required by Rule 58 of the Federal Rules of Civil Procedure, **JUDGMENT ENTERS.**

THIS ACTION IS TERMINATED.

IT IS SO ORDERED.

Date: February 24, 2022 /s/ Paul L. Maloney
Paul L. Maloney
United States
District Judge

APPENDIX D

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

No. 1:20-cv-00323
Hon. Paul L. Maloney
U.S. Magistrate Judge Phillip J. Green

[Filed April 27, 2020]

KIMBERLY BEEMER, PAUL CAVANAUGH, and ROBERT MUISE,
Plaintiffs,

v.

GRETCHEN WHITMER, in her official capacity as Governor for the State of Michigan, ALLEN TELGENHOF, in his official capacity as Charlevoix County Prosecuting Attorney, BRIAN L. MACKIE, in his official capacity as Washtenaw County Prosecuting Attorney, and WILLIAM J. VAILLIENCOURT, JR., in his official capacity as Livingston County Prosecuting Attorney,
Defendants.

STIPULATED ORDER RESOLVING PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION

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Plaintiffs Kimberly Beemer, Paul Cavanaugh, and Robert Muise (collectively referred to as "Plaintiffs"), through counsel, Defendant Gretchen Whitmer, through counsel, Defendant Allen Telgenhof, through counsel, Defendant Brian L. Mackie, through counsel, and Defendant William J. Vailliencourt, Jr., through counsel, (collectively referred to as the "parties") hereby stipulate to the following and to the entry of the attached Order, which will resolve Plaintiffs' pending Motion for Temporary Restraining Order and Preliminary Injunction ("TRO/PI Motion") (Doc. No. 7):

1. On April 15, 2020, Plaintiffs filed this lawsuit seeking to enjoin Defendants from enforcing certain measures of Executive Order 2020-42, which was issued on April 9, 2020.

2. On April 20, 2020, Plaintiffs filed their TRO/PI Motion, seeking specific preliminary relief from the challenged measures of Executive Order 2020-42. The

Court set a hearing on Plaintiffs' motion for April 30, 2020. (Doc. No. 15).

3. On April 24, 2020, Defendant Whitmer issued Executive Order 2020-59, which the parties agree applies and will be enforced as follows:

a. Executive Order 2020-59 permits individuals to travel between their own residences and cottages within the State of Michigan, thereby permitting Plaintiff Beemer, along with members of her household, to travel to and from her residence in Saginaw, Michigan and her cottage located in Charlevoix County, Michigan, and permitting Plaintiff Cavanaugh, along with members of his household, to travel to and from his residence in Brighton, Michigan and his cottage located in Charlevoix County, Michigan. This is provided by Executive Order 2020-59, Section 7(b)(3).

b. Executive Order 2020-59 permits the operation of landscaping businesses within the State of Michigan, thereby permitting Plaintiff Cavanaugh to reopen his landscaping business, Cavanaugh's Lawn Care LLC, subject to the mitigation measures required under Section 11 of the order, including the enhanced social-distancing rules described in section 11(h). This is provided by Executive Order 2020-59, Section 4(c) and Section 10(c).

c. Executive Order 2020-59 permits individuals, including Plaintiffs Beemer and Cavanaugh, to engage in outdoor activities that include using boats with motors for fishing and other similar recreational purposes, consistent with remaining at least six feet

from people from outside the individual's household. This is provided by Executive Order 2020-59, Section 7(a)(1).

d. Executive Order 2020-59 permits, insofar as is otherwise permissible under the law, the sale of guns from any store via remote order and curbside pick-up, and the sale of guns in-store from stores that sell necessary supplies as well as guns in their normal course of business, subject to the mitigation measures required by Sections 11 and 12 of the order. The order permits individuals, including Plaintiff Muise, to travel to and from such businesses. This is provided by Executive Order 2020-59, Section 5(c), Section 7(a)(8), Section 10(a), and Section 12(c).

e. Executive Order 2020-59 exempts from penalty religious gatherings at private residences. Accordingly, Plaintiff Muise is not subject to penalty under the order for holding religious gatherings with his immediate family at his private residence located in Superior Township, Michigan. This is provided by Executive Order 2020-59, Section 16.

4. As a result of this stipulation, the TRO/PI Motion is moot because the requested relief is no longer necessary.

So stipulated this 26th day of April 2020.

American Freedom Law Center

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Attorneys for Defendant Vailliencourt

* * *

ORDER

Pursuant to the stipulation of the parties as set forth above, the provisions of this stipulation are hereby Ordered by the Court, and Plaintiffs' Motion for Temporary Restraining Order and Preliminary Injunction (Doc. No. 7) is hereby dismissed as Moot.

So Ordered this 27th day of April 2020.

/s/ Paul L. Maloney
Paul L. Maloney
United States District Court Judge