

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

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|--------------------------------------|---|---------------|
| THE STATE OF TEXAS, <i>et al.</i> , | § | |
| | § | |
| Plaintiffs, | § | |
| | § | |
| v. | § | 2:21-CV-067-Z |
| | § | |
| JOSEPH R. BIDEN, JR. <i>et al.</i> , | § | |
| | § | |
| Defendants. | § | |

ORDER

Before the Court is the parties’ Joint Statement regarding Discovery and Consolidation (ECF No. 65). By that statement, the parties indicate no discovery is needed, and the pending Motion for Preliminary Injunction can be resolved on the basis of the record filed with the Court.

The parties also agree that consolidation of the Motion for Preliminary Injunction with resolution on the merits under Fed. R. Civ. P. 65(a)(2) is appropriate. Accordingly, the Court hereby **NOTIFIES** the parties that the Court will consolidate the preliminary injunction with trial on the merits under Rule 65.

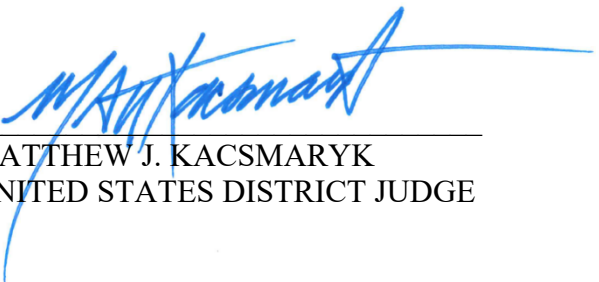
To allow the parties to fully develop their case, the parties shall file supplemental briefs no longer than 15 pages. *Wohlfahrt v. Memorial Med. Ctr.*, 658 F.3d 416, 418 (5th Cir. Unit A Oct. 1981). The briefs shall be *strictly* limited to issues related to consolidation — *i.e.*, the propriety of the ultimate relief requested and Defendants’ contention that the typical summary-judgment standard is the appropriate standard. *But see* 11A WRIGHT & MILLER, FED. PRAC. & PROC. § 2950 (“[A consolidated hearing] really is a trial on the merits.”). The briefs shall not function as sur-replies or as an opportunity to address previously made arguments. Defendants’ brief is due on **July 7**. Plaintiffs’ brief is due on **July 9**.

Furthermore, the parties are **ORDERED** to file a joint statement regarding the hearing itself. This statement shall address: (1) the anticipated length of time; (2) the format of presentation;¹ (3) proposed dates for the hearing (4) the anticipated disputed questions of law; (5) and the anticipated disputed questions of fact. The joint statement shall be filed by **July 2**.

The Court will issue an order scheduling a hearing upon the receipt of the briefing required by this order.

SO ORDERED.

June 29, 2021.



MATTHEW J. KACSMARYK
UNITED STATES DISTRICT JUDGE

¹ The parties suggested that any hearing could be devoted to legal argument rather than live testimony from witnesses.