

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF LOUISIANA  
MONROE DIVISION**

THE STATE OF LOUISIANA,  
By and through its Attorney General, JEFF  
LANDRY, et al.,

PLAINTIFFS,

v.

XAVIER BECERRA, in his official capacity  
as Secretary of Health and Human Services, et  
al.,

DEFENDANTS.

Civil Action No. 3:21-cv-03970

District Judge Terry A. Doughty

Magistrate Judge Kayla D. McClusky

**FIRST AMENDED COMPLAINT**

NOW INTO COURT, through undersigned counsel, come Plaintiff States, who respectfully desire to amend their Complaint (R. Doc. 1). In accordance with Rule 15(a)(1) of the Federal Rules of Civil Procedure, amendment is allowed as a matter of course and no leave of court or opposing party consent is required.

A.

Plaintiff States amend and restate their Complaint as to the parties only, so as to add the sovereign State of Ohio and the Commonwealth of Kentucky as plaintiffs and insert Paragraphs 15(a) and (b) and 86(a) and (b) into the Complaint as follows:

15(a). Plaintiff State of Ohio is a sovereign State of the United States of America. Plaintiff Dave Yost is the Attorney General of the State of Ohio. He is authorized by Ohio law to sue on the State's behalf. His offices are located at 30 E. Broad St., 17th Floor, Columbus, Ohio 43215.

15(b). Plaintiff Commonwealth of Kentucky is a sovereign State of the United States of America. Plaintiff Daniel Cameron is the Attorney General of the Commonwealth of Kentucky.

He is authorized by Kentucky law to sue on the Commonwealth's behalf. His offices are located at 700 Capital Avenue, Suite 118, Frankfort, Kentucky 40601.

86(a). Ohio operates state-run healthcare facilities that receive both Medicare and Medicaid funding and are subject to the Vaccine Mandate.

86(b). For state fiscal year 2020-2021, Kentucky received over \$12 billion in federal funds for Medicaid services. Kentucky's federal Medicaid revenues accounted for over 25% of its total state budget. As of November 1, 2021, more than 1.5 million people—or approximately one-third of Kentuckians—are covered by Medicaid. Kentucky operates healthcare facilities that receive both Medicare and Medicaid funding and that are subject to the Vaccine Mandate, including the Thompson-Hood Veterans Center, Carl M. Brashear Radcliff Veterans Center, Paul E Patton Eastern Kentucky Veterans Center, and Joseph "Eddie" Ballard Western Kentucky Veterans Center.

**B.**

Plaintiff States re-allege and adopt all allegations, prayers, and exhibits of their original Complaint by reference as though fully set forth herein.

Dated: November 22, 2021

AUSTIN KNUDSEN  
Montana Attorney General  
David Dewhirst\*  
Solicitor General  
215 North Sanders Street  
Helena, MT 59601  
[David.dewhirst@mt.gov](mailto:David.dewhirst@mt.gov)

*Counsel for the State of Montana*

MARK BRNOVICH  
Arizona Attorney General  
Robert J. Makar\*  
Assistant Attorney General  
2005 North Central Avenue  
Phoenix, AZ 85004  
[Robert.makar@azag.gov](mailto:Robert.makar@azag.gov)

*Counsel for the State of Arizona*

STATE OF ALABAMA  
Office of the Attorney General Steve Marshall  
Edmund G. LaCour Jr.\*  
Solicitor General  
Thomas A. Wilson\*  
Deputy Solicitor General  
Office of the Attorney General  
501 Washington Ave.  
Montgomery, AL 36130  
Tel.: (334) 353-2196  
Fax: (334) 353-8400  
[Edmund.LaCour@AlabamaAG.gov](mailto:Edmund.LaCour@AlabamaAG.gov)  
[Thomas.Wilson@AlabamaAG.gov](mailto:Thomas.Wilson@AlabamaAG.gov)

*Counsel for the State of Alabama*

Respectfully Submitted,

By: /s/ Jimmy R. Faircloth, Jr.

ELIZABETH B. MURRILL (La #20685)  
Solicitor General  
J. SCOTT ST. JOHN (La #36682)  
Deputy Solicitor General  
MORGAN BRUNGARD\*  
JOSIAH KOLLMEYER (La #39026)  
Assistant Solicitors General  
LOUISIANA DEPARTMENT OF JUSTICE  
1885 N. Third Street  
Baton Rouge, Louisiana 70804  
Tel: (225) 326-6766  
[murrille@ag.louisiana.gov](mailto:murrille@ag.louisiana.gov)  
[stjohnj@ag.louisiana.gov](mailto:stjohnj@ag.louisiana.gov)  
[brungardm@ag.louisiana.gov](mailto:brungardm@ag.louisiana.gov)  
[kollmeyerj@ag.louisiana.gov](mailto:kollmeyerj@ag.louisiana.gov)

JIMMY R. FAIRCLOTH, JR. (La. #20645)  
[jfaircloth@fairclothlaw.com](mailto:jfaircloth@fairclothlaw.com)  
MARY KATHERINE PRICE (La. #38576)  
[kprice@fairclothlaw.com](mailto:kprice@fairclothlaw.com)  
Faircloth Melton Sobel & Bash, LLC  
105 Yorktown Drive  
Alexandria, Louisiana 71303  
Telephone: (318) 619-7755  
Facsimile: (318) 619-7744

*Counsel for the State of Louisiana*

CHRISTOPHER M. CARR  
Georgia Attorney General  
Drew F. Waldbeser\*  
Deputy Solicitor General  
Ross W. Bergethon  
Deputy Solicitor General  
Office of the Attorney General  
40 Capitol Square, S.W.  
Atlanta, Georgia 30334  
[dwaldbeser@law.ga.gov](mailto:dwaldbeser@law.ga.gov)

*Counsel for the State of Georgia*

LAWRENCE G. WASDEN  
Attorney General  
State of Idaho  
Brian Kane\*  
Chief Deputy Attorney General  
Leslie M. Hayes  
Megan A. Larrondo  
Deputy Attorneys General  
700 W. Jefferson Street, Ste. 210  
P.O. Box 83720  
Boise, Idaho 83720-0010  
Telephone: 208-334-2400  
Facsimile: 208-854-8071  
[brian.kane@ag.idaho.gov](mailto:brian.kane@ag.idaho.gov)  
[leslie.hayes@ag.idaho.gov](mailto:leslie.hayes@ag.idaho.gov)  
[megan.larrondo@ag.idaho.gov](mailto:megan.larrondo@ag.idaho.gov)

*Counsel for the State of Idaho*

LYNN FITCH  
Attorney General of Mississippi  
Whitney H. Lipscomb\*  
Deputy Attorney General  
John V. Coghlan\*  
Deputy Solicitor General  
State of Mississippi  
Office of the Attorney General  
550 High Street  
Jackson, MS 39201  
Tel: (601) 359-3680

*Counsel for the State of Mississippi*

SEAN D. REYES  
Utah Attorney General  
Melissa A. Holyoak\*  
Solicitor General  
350 N. State Street, Suite 230  
Salt Lake City, UT 84114  
[melissaholyoak@agutah.gov](mailto:melissaholyoak@agutah.gov)

*Counsel for the State of Utah*

THEODORE M. ROKITA  
Indiana Attorney General  
Thomas M. Fisher\*  
Solicitor General  
Indiana Government Center South 302 W.  
Washington St., 5th Floor Indianapolis, IN  
46204 [Tom.fisher@atg.in.gov](mailto:Tom.fisher@atg.in.gov)

*Counsel for the State of Indiana*

JOHN M. O'CONNOR  
Attorney General of Oklahoma  
Mithun Mansinghani\*  
Solicitor General  
313 NE 21st Street  
Oklahoma City, OK 73105  
(405) 521-3921

*Counsel for the State of Oklahoma*

ALAN WILSON  
South Carolina Attorney General Thomas T.  
Hydrick\*  
Assistant Deputy Solicitor General Office of  
the Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
[thomashydrick@scag.gov](mailto:thomashydrick@scag.gov)

*Counsel for the State of South Carolina*

PATRICK MORRISEY  
West Virginia Attorney General  
Lindsay S. See\*  
Solicitor General  
State Capitol, Bldg 1, Room E-26  
Charleston, WV 25305  
[Lindsay.s.see@wvago.gov](mailto:Lindsay.s.see@wvago.gov)

*Counsel for the State of West Virginia*

DANIEL CAMERON  
Kentucky Attorney General  
Marc Manley\*  
Assistant Attorney General  
700 Capital Avenue, Suite 118  
Frankfort, KY 40601  
[Marc.Manley@ky.gov](mailto:Marc.Manley@ky.gov)

*Counsel for the Commonwealth of Kentucky*

DAVE YOST  
Ohio Attorney General  
May Davis\*  
Deputy Solicitor General  
615 W. Superior Ave., 11<sup>th</sup> Floor  
Cleveland, OH 44113  
[May.Davis@OhioAGO.gov](mailto:May.Davis@OhioAGO.gov)

*Counsel for the State of Ohio*

*\*Pro Hac Vice admission application  
forthcoming*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I presented the above and foregoing for filing and uploading to the CM/ECF system which will send electronic notification of such filing to all counsel of record.

Alexandria, Louisiana, this 22nd day of November, 2021.

/s/ Jimmy R. Faircloth, Jr.  
OF COUNSEL