

**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

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**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