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Attorney for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

DR. HENRY EALY III;
SENATOR DENNIS LITHICUM;
SENATOR KIM THATCHER;

Plaintiffs,

v.

ROBERT REDFIELD, former Director of the US Center for Disease Control, in his individual capacity; **ROCHELLE WALENSKY**, in her individual capacity and in her official capacity as Director for the US Center for Disease Control, **ALEX AZAR**, former Secretary of the US Department of Health and Human Services, in his individual capacity; **XAVIER BECERRA**, in his individual capacity and in his official capacity as Director of the US Department of Health and Human Services; **BRIAN MOYER**, in his individual capacity and in his official capacity as Director of the National Center for Health Statistics; and **DOES 1-25**;

Defendants.

Civil No. 3:22-cv-356-HZ

**APPLICATION FOR ENTRY OF
DEFAULT**

Pursuant to Fed. R. Civ. P. 55(a), Plaintiffs Dr. Henry Ealy III, Senator Dennis Linthicum, and Senator Kim Thatcher request the Clerk to enter default against Defendants Robert Redfield, Rochelle Walensky, Alex Azar, Xavier Becerra, and Brian Moyer for failure to plead or otherwise defend Plaintiffs' Petition in this action. In support of this Application, Plaintiffs rely on the Declaration of Stephen Joncus, filed contemporaneously herewith.

The applicable time for serving a responsive pleading or motion, including any extensions has expired. Plaintiffs request that the clerk enter default for each Defendant. Fed. R. Civ. P. 55(a).

Respectfully submitted,

Dated: August 27, 2022

By: s/ Stephen J. Joncus
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