

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
LOUISVILLE DIVISION

MARYVILLE BAPTIST CHURCH, INC.  
and DR. JACK ROBERTS,

Plaintiffs,

v.

Civil Action No. 3:20-cv-278-DJH-RSE

ANDY BESHEAR, in his official capacity as  
Governor of the Commonwealth of Kentucky,

Defendant.

\* \* \* \* \*

**ORDER**

Late yesterday, Plaintiffs filed an “emergency motion for clarification of injunction or for status conference,” complaining that they are “unsure of the parties[’] respective rights and obligations in connection with their worship service scheduled for **this Wednesday** night, and subsequent services thereafter.” (Docket No. 39, PageID # 612) They seek clarification of this Court’s May 8, 2020 Order, which granted their motion for injunction pending appeal. (D.N. 35) The Order also granted Plaintiffs’ motion for preliminary injunction. (*See id.*, PageID # 580)

The Court is doubtful that “clarification” of its injunction would be dispositive of the issues raised in Plaintiffs’ motion in light of the statewide temporary restraining order granted minutes later by the U.S. District Court for the Eastern District of Kentucky, *see Tabernacle Baptist Church v. Beshear*, No. 3:20-cv-00033-GFVT, 2020 U.S. Dist. LEXIS 81534 (E.D. Ky. May 8, 2020), and, more importantly, the injunction pending appeal granted the following day by the Sixth Circuit Court of Appeals in a case consolidated with this one, *see Roberts v. Neace*, No. 20-5465, 2020 U.S. App. LEXIS 14933 (6th Cir. May 9, 2020). The Sixth Circuit enjoined the Governor and other officials “from enforcing orders prohibiting in-person services at the Maryville Baptist Church if the Church, its ministers, and its congregants adhere to the public health requirements

mandated for ‘life-sustaining’ entities.” *Id.* at \*16. To the extent there are differences between this Court’s injunction and the Sixth Circuit’s, the latter would prevail. Accordingly, it is hereby

**ORDERED** that Plaintiffs’ emergency motion for clarification or status conference (D.N. 39) is **DENIED**.

May 13, 2020

A handwritten signature in black ink, appearing to read "D.J. Hale", is written over a faint circular seal of the United States District Court for the Southern District of Ohio.

**David J. Hale, Judge  
United States District Court**