

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

THE STATE OF ALABAMA, *et al.*,)
)
 Plaintiffs,)
)
v.) Case No. 3:21-cv-211-RAH-ECM-KCN
)
UNITED STATES DEPARTMENT)
OF COMMERCE, *et al.*,)
)
 Defendants.)

ORDER

On May 17, 2021, Plaintiffs filed an Opposed Motion to Introduce Supplemental Evidence in Support of Their Motion for Preliminary Injunction. (Doc. 129.) Several weeks later, on June 1, 2021, Plaintiffs filed another Opposed Motion to Supplement Thomas Bryan’s Supplemental Report. (Doc. 134.) Defendants have responded to each motion (Docs. 132, 136), and Plaintiffs replied as to their initial Motion to Introduce Supplemental Evidence. (Doc. 129.)

“At the preliminary injunction stage, a district court may rely on affidavits and hearsay materials which would not be admissible evidence for a permanent injunction, if the evidence is ‘appropriate given the character and objectives of the injunctive proceeding.’” *Levi Strauss & Co. v. Sunrise Int’l Trading Inc.*, 51 F.3d 982, 985 (11th Cir. 1995) (citing *Asseo v. Pan American Grain Company*, 805 F.2d 23, 26 (1st Cir. 1986)). Considering this Court’s broad discretion in accepting supplemental evidence and the

complex nature of this case, and having reviewed the parties' respective submissions on the issue, Plaintiffs' motions, (Docs. 129, 134), are due to be and are hereby

GRANTED. Accordingly, Thomas Bryan's Report (Doc. 129-1) and the Supplemental Declaration of Thomas Bryan (Doc. 134-1) are admitted into evidence. (Doc. 3).

DONE, on this the 29th day of June, 2021.

/s/ Kevin C. Newsom
KEVIN C. NEWSOM
UNITED STATES CIRCUIT JUDGE

/s/ Emily C. Marks
EMILY C. MARKS
CHIEF UNITED STATES DISTRICT JUDGE

/s/ R. Austin Huffaker, Jr.
R. AUSTIN HUFFAKER, JR.
UNITED STATES DISTRICT JUDGE