

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

FIRST BAPTIST CHURCH;
PASTOR STEPHEN ORMORD;
CALVARY BAPTIST CHURCH; and
PASTOR AARON HARRIS,

Plaintiffs,

v.

No. 20-1102-JWB

GOVERNOR LAURA KELLY,
in her official capacity; ADJUTANT GENERAL
DAVID WEISHAAR, *in his official capacity*;
GEARY COUNTY SHERIFF DANIEL E. JACKSON,
JR., *in his official capacity*; and
FORD COUNTY SHERIFF WILLIAM CARR, *in his
official capacity*,

Defendants.

ORDER

This matter is before the court on the joint motion of Plaintiffs and Defendant Governor Laura Kelly to extend the temporary restraining order (“TRO”) currently in effect until May 16, 2020. (Doc. 49.)

Rule 65 provides in part a TRO expires no later than 14 days after its entry, unless the court “for good cause, extends it for a like period or the adverse party consents to a longer extension.”

Fed. R. Civ. P. 65(b)(2).¹

¹ The foregoing rule technically applies only to a TRO issued “without notice.” The instant TRO was issued after Defendant received notice and an opportunity to be heard. But the appropriate procedure where the parties need additional time to prepare for a preliminary injunction hearing, as was the case here, is to set a preliminary injunction hearing “still within the time limitations of Rule 65(b).” See *Granny Goose Foods, Inc. v. Brotherhood of Teamsters*, 415 U.S. 423, 441 (1974).

For the reasons stated in the joint motion, the court finds good cause for extension of the TRO and further finds Defendant Kelly has consented to the parties' proposed extension. (Doc. 49 at 4.)

The agreed motion to extend (Doc. 49) is accordingly GRANTED. The TRO previously entered (Doc. 15) will remain in effect until May 16, 2020, unless it is sooner terminated by dismissal of the case or by further order of the court.

IT IS SO ORDERED this 27th day of April, 2020, at Wichita, Ks.

s/ John W. Broomes
JOHN W. BROOMES
UNITED STATES DISTRICT JUDGE