

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

**THOMAS L. SANDERSON,
an individual,**

Plaintiff,

vs.

**ANDREW BAILEY, in his official
capacity as Attorney General of the State
of Missouri; and JAMES HUDANICK,
in his official capacity as Chief of Police
of the city of Hazelwood, Missouri**

Defendants.

Civil Action:

Case No. 4:23-cv-01242-JAR

**PLAINTIFF’S MOTION FOR ORDER CLARIFYING EXTENSION OF
TEMPORARY RESTRAINING ORDER THROUGH OCTOBER 31, 2024**

Plaintiff Thomas Sanderson hereby respectfully moves for clarification that the Court’s Temporary Restraining Order (TRO) issued on October 27, 2023 (ECF No. 23), as extended by the Court’s Order dated November 3, 2023 (ECF No. 35), includes October 31, 2024 – in the event that the Court has not ruled by that date on the pending preliminary/permanent injunction and trial proceedings held on June 20, 2024. See ECF No. 55.

I. Procedural History

On October 27, 2023, this Court issued a statewide Temporary Restraining Order (TRO) enjoining enforcement of the provision of Missouri Revised Statute section 589.426 that requires

all persons listed on the sex offender registry to, on October 31 of each year, “Post a sign at his or her residence stating, ‘No candy or treats at this residence’.” Mo. Rev. Stat. § 589.426(1)(3). See ECF No. 23 (TRO). The TRO stated that it “is effective for fourteen days after this Order’s time of entry pursuant to Federal Rule of Civil Procedure 65(b)(2).” TRO at 14. Noting that “The temporary restraining order may resolve the issue for this Halloween, but does not for those thereafter,” including the upcoming Halloween holiday on October 31, 2024, the Court set a preliminary junction hearing for November 9, 2024. TRO at 14.

However, prior to the date set for that hearing, on November 3, 2023, the parties appeared for a telephone conference during which they discussed consolidating a preliminary injunction hearing with a trial on the merits pursuant to F.R.C.P. 65(a)(2). ECF No. 35. During that conference, the parties also discussed, and agreed, that the TRO would be “extended,” as reflected in the Court’s Order dated November 3, 2023, which states:

After a telephone conference held with all counsel, and pursuant to agreement, the Court finds good cause to consolidate the preliminary injunction proceedings with the trial on the merits in this case. . . .
The parties provided March 27, 2024 as a mutual date for these proceedings. For these reasons, and after hearing the arguments from counsel, the Court also finds good cause to extend the Temporary Restraining Order pursuant to Federal Rule of Civil Procedure 65(b)(2).

ECF No. 35 at 1-2, emphasis, added. The Court subsequently continued the date of the consolidated preliminary injunction hearing and trial on the merits to June 20, 2024, which was held. ECF No. 55. The parties have filed post-trial briefs, and the Court’s decision is pending.

II. Request for Clarification of Court’s Order Dated November 3, 2023

Counsel for Plaintiff has received multiple inquiries regarding whether the Court’s TRO, as extended by the above-quoted Order of November 3, 2023, includes the upcoming Halloween holiday on October 31, 2024. The parties’ consent to extend the TRO, as reflected in

the November 3 Order,¹ as well as the logical reading of that Order indicate that the TRO does extend through October 31, 2024, because the extension of a TRO that is effective on only one day of the year would otherwise lack meaning. Nevertheless, to provide clarity and benefit to benefit all persons and parties affected by this statewide TRO, Plaintiff respectfully seeks an order expressly confirming that the TRO issued on October 27, 2023, as extended by the Court's Order dated November 3, 2023, includes October 31, 2024.

Dated: September 10, 2024

/s/ Janice M. Bellucci
Janice Madelyn Bellucci #108911 (CA)
Admitted Pro Hac Vice
Law Office of Janice M. Bellucci
2110 K Street
Sacramento, CA 95816
Telephone: (805) 896-7854
Email: jmbellucci@aol.com

¹ Even absent Defendants' consent to extend the TRO to the upcoming Halloween holiday, the Court Order of November 3, 2023 remains binding on October 31, 2024 because the TRO and extension were issued after notice to Defendants and an opportunity to be heard. *See, e.g., In re Criminal Contempt Proceedings Against Michael Crawford, et al.*, 329 F.3d 131, 135-139 (2d. Cir. 2003) (citing cases).