UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

PHYLLIS SCHLAFLY REVOCABLE TRUST, et al.,	)	
Plaintiffs,	)	
v.	)	No. 4:16CV01631 JAR
ANNE CORI, et al.,	)	
Defendants.	)	

MEMORANDUM AND ORDER

Before the Court is Defendants' Motion to Strike or Exclude the Declaration of John Schlafly. (Doc. No. 18). Defendants argue that John Schlafly's declaration (Doc. No. 7-1) is not based on personal knowledge, but on speculation, and requests the Court strike the declaration from the record. Plaintiffs did not file a response in opposition.

John Schlafly's declaration is attached as an exhibit to Plaintiffs' Emergency Motion For Temporary Restraining Order and Preliminary Injunction, filed on November 3, 2016. (Doc. No. 7). Defendants filed a memorandum in opposition to Plaintiffs' motion on November 7, 2016, and the Court heard oral argument on the motion the same day. On November 9, 2016, the Court denied Plaintiffs' motion for a temporary restraining order. (Doc. No. 27). Although the instant motion is unopposed, the Court finds that the motion is moot and should be denied. John Schlafly's declaration was appended to Plaintiffs' motion and used as evidence in support of their request for a temporary restraining order. The Court has since denied Plaintiffs' motion for temporary restraining order, and finds that the pending motion to strike is moot.

Accordingly,

IT IS HEREBY ORDERED that Defendants' Motion to Strike or Exclude the Declaration

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of John Schlafly (Doc. No. 18) is **DENIED** as moot.

Dated this 3rd day of February, 2017.

JOHN A. ROSS
UNITED STATES DISTRICT JUDGE