

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT**

JAY ASHCROFT, <i>et al.</i> ,	)	
	)	
Plaintiffs-Appellants,	)	
	)	
vs.	)	Case No. 24-3236
	)	
JOSEPH BIDEN, <i>et al.</i> ,	)	
	)	
Defendant-Appellees.	)	

**MOTION TO DISMISS APPEAL AS MOOT**

Plaintiffs-Appellants Secretary of State Jay Ashcroft of Missouri, Secretary of State John Thurston of Arkansas, McDonald County Clerk Kimberly Bell, and St. Charles County Election Director Kurt Bahr, and the State of Missouri ex rel. Attorney General Andrew Bailey, request this Court to dismiss this appeal under Rule 42 as moot.

For their motion, Plaintiffs-Appellants state as follows:

1. This case involves a challenge to Executive Order 14019 signed by President Biden and carried out under the Biden-Harris Administration.
2. Plaintiffs challenged Executive Order 14019 as unconstitutional and contrary to federal law.
3. On January 20, following his inauguration as the Forty-Seventh President of the United States, President Donald J. Trump signed “initial

Rescissions of Harmful Executive orders and Actions” that had been adopted by the Biden-Harris Administration. See Exhibit 1, Rescission Order.

4. President Trump’s Order noted that “[t]he previous administration has embedded deeply unpopular, inflationary, illegal, and radical practices within every agency and office of the Federal Government.” See Exhibit 1.

5. The Rescission Order states:

To commence the policies that will make our Nation united, fair, safe, and prosperous again, it is the policy of the United States to restore common sense to the Federal Government and unleash the potential of the American citizen. The revocations within this order will be the first of many steps the United States Federal Government will take to repair our institutions and our economy.

See Exhibit 1.

6. President Trump’s Rescission Order revoked a number of executive actions including Executive Order 14019.

7. Rule 42(b)(2) of the Federal Rules of Appellate Procedure provides that “an appeal may be dismissed on the appellant’s motion on terms agreed to by the parties or fixed by the court.”

8. Plaintiffs-Appellants have reached out to Defendants-Appellees about their position on this motion. Defendants-Appellees consent to this motion, except for the request in the prayer for relief below that costs be taxed to Defendants-Appellees given the Government’s admission that the challenged Executive Order is unlawful.

WHEREFORE, Plaintiffs-Appellants request that this appeal be dismissed with costs taxed to the Defendants-Appellees.

Respectfully submitted this 26<sup>th</sup> day of February, 2025.

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### **Certificate of Service**

The undersigned hereby certifies that the foregoing document was served on all registered parties on this 26<sup>th</sup> day of February, 2025, using the Court's online filing system.

/s/ Mark F. (Thor) Hearne II

### **CERTIFICATE OF COMPLIANCE**

I hereby certify that the foregoing Motion complies with the type-volume requirements of FED. R. APP. P. 27(d)(2)(A) because it contains 356 words, excluding the caption, signature block, Certificate of Service, and this Certificate of Compliance. I further certify that the foregoing Motion complies with the typeface and type-style requirements of FED. R. APP. P. 27(d)(1)(E), 32(a)(5), and 32(a)(6) because it has been prepared in a proportionally spaced typeface using Microsoft Word in fourteen (14) point Times New Roman font. I further certify that the electronic version of this Motion filed with the Court complies with this Court's Local Rule 25A because it has been submitted in Portable Document Format (PDF), which was generated by printing to PDF from the original word processing file so that the electronic version may be searched and copied.

/s/ Mark F. (Thor) Hearne, II