

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

CANCER STEP OUTSIDE THE BOX, LLC;)
TY BOLLINGER (principal owner) and)
CHARLENE BOLLINGER (principal owner),)

Plaintiffs,

-vs-

DEPARTMENT OF STATE, GLOBAL)
ENGAGEMENT CENTER, DEPARTMENT)
OF DEFENSE, DEPARTMENT OF)
HOMELAND SECURITY, CYBERSECURITY)
AND INFRASTRUCTURE SECURITY)
AGENCY, FEDERAL BUREAU OF)
INVESTIGATION, DEPARTMENT OF)
HEALTH AND HUMAN SERVICES,)
CENTER FOR COUNTERING HATE, INC.,)
MEDIA MATTERS FOR AMERICA,)
CENTER FOR INTERNET SECURITY, INC.,)
META PLATFORMS, INC. (f/k/a)
FACEBOOK, INC., GOOGLE, LLC, X CORP.)
(f/k/a TWITTER, INC), JOHN DOE 1, JOHN)
DOE 2, JOHN DOE 3, JOHN DOE 4, JOHN)
DOE 5, JOHN DOE 6, JOHN DOE 7, JOHN)
DOE 8, JOHN DOE 9 and JOHN DOE 10,)

Defendants.

Civil Action No.: 3:24-cv-01465

PLAINTIFFS' *EMERGENCY* MOTION
FOR THE COURT TO STRIKE /
RETRACT [D.E. 49] PURSUANT TO
COURT ORDER DATED MARCH 21, 2025
[D.E. 39] ESTABLISHING PLAINTIFFS'
RESPONSIVE BRIEFING DEADLINE AS
MAY 21, 2025

1. By Order dated May 7, 2025 [D.E. 49], the Court (inadvertently) transferred this action to California, contending that Plaintiffs had not timely responded to the Big Tech Defendants' April 21, 2025, transfer motions and that the transfer motions were accordingly deemed unopposed; *i.e.*, worthy of automatic / default granting.

2. On March 21, 2025, however, the Court entered an Order establishing Plaintiffs' responsive briefing deadline as May 21, 2025. *See* [D.E. 39] at 1 ("Any briefs in opposition to motions to transfer to be filed no later than May 21, 2025," emphasis in original).

3. The May 7, 2025, Order [D.E. 49] transferring this action was the product of mistake or oversight, as Plaintiffs still, *per Court Order [D.E. 39]*, have fourteen (14) days within which to respond to the Big Tech Defendants' April 21, 2025, transfer motions.

4. As soon as undersigned counsel saw the May 7, 2025, Order [D.E. 49], he immediately left voicemails with the Court's Deputy, the Court, and the Court's Judicial Assistant, respectively, in or around the 6:40 – 6:50 p.m. EST range, pointing out the mistake that is [D.E. 49].

5. Plaintiffs respectfully request the Court's immediate retraction / striking of [D.E. 49] transferring this action to California, maintaining jurisdiction through the completion of transfer briefing. Again, per [D.E. 39], the Court established May 21, 2025, as Plaintiffs' responsive briefing deadline. Also per [D.E. 39], the Big Tech Defendants then have until June 11, 2025, within which to file any reply briefing.

WHEREFORE, Plaintiffs respectfully request entry of an Order immediately (a) retracting / striking [D.E. 49] and honoring the Court-ordered May 21, 2025, responsive briefing deadline established by the Court in [D.E. 39], and / or (b) affording Plaintiffs any other relief the Court deems equitable, just, or proper.

Dated: May 7, 2025.

Respectfully Submitted,

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