

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

STATE OF FLORIDA,

Plaintiff,

v.

CASE NO. 8:21-cv-839-SDM-AAS

XAVIER BECERRA, et al.,

Defendants.

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**ORDER AND NOTICE OF HEARING**

The defendants move (Doc. 67) to submit a supplemental memorandum “[i]n light of recent developments.” Specifically, the defendants argue that Congress recently ratified the conditional sailing order and that “cruising is set to resume as planned.” (Doc. 67 at 3) Partially opposing (Doc. 69) supplemental briefing, the plaintiff argues (1) that Congress “decided *not to ratify* the CDC’s conduct as to Florida,” (2) that recent case law gravitates against the conclusion that Congress ratified the conditional sailing order, (3) that the defendants’ understanding of ratification creates non-delegation issues, and (4) that a supplemental brief might delay resolution of this action.

Because the defendants’ requested briefing is narrow in scope and compact, the defendants’ motion (Doc. 67) is **GRANTED**. No later than noon on **JUNE 7, 2021**, the defendants may submit a supplemental memorandum not

exceeding five pages and addressing only those issues specified in the defendants' motion. No later than **JUNE 9, 2021**, the plaintiff may respond in a paper not exceeding five pages.

A hearing will occur at **10:00 A.M. ON JUNE 10, 2021, IN COURTROOM 15A** to review issues addressed incompletely in the earlier hearing, to evaluate the supplemental record and the consequent briefs, and any other matter pertaining to the motion for preliminary injunction and its resolution. At least lawyers Percival, Hilborn, and Powell must attend in person.

ORDERED in Tampa, Florida, on June 4, 2021.



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STEVEN D. MERRYDAY  
UNITED STATES DISTRICT JUDGE