

**UNITED STATES COURT OF APPEALS
FOR THE
SECOND CIRCUIT**

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 14th day of October, two thousand twenty-one.

Before: Susan L. Carney,
Circuit Judge.

Dr. A., Nurse A., Dr. C., Nurse D., Dr. F., Dr. G.,
Therapist I., Dr. J., Nurse J., Dr. M., Nurse N., Dr. O.,
Dr. P., Technologist P., Dr. S., Nurse S., Physician
Liaison X.,

ORDER

Docket No. 21-2566

Plaintiffs - Appellees,

v.

Howard A. Zucker, Commissioner of the New York
State Department of Health, in his official capacity,
Letitia James, Attorney General of the State of New
York, in her official capacity, Kathy Hochul, Governor
of the State of New York, in her official capacity,

Defendants - Appellants.

New York State appeals from an order of the district court that granted a preliminary injunction enjoining New York State from enforcing the religious exemption provisions of an emergency regulation that requires most healthcare workers to be vaccinated against Covid-19 within a specific timeframe. The New York State Department of Health issued the regulation in question, N.Y. Comp. Codes R. & Regs. tit. 10, § 2.61.

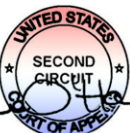
The same provisions of the emergency regulation are challenged in We the Patriots v. Hochul, 21-2179, an expedited appeal for which argument had been set for October 14, 2021. The panel adjourned the argument when New York State Governor Hochul announced the State's intention to appeal the order issued in Dr. A. v. Hochul and to seek this Court's expedited consideration.

IT IS HEREBY ORDERED that the two appeals be heard in tandem, given the expedited nature of each and the closely related issues that they raise. In consultation with the parties, and New York State having noted that it prefers an expedited hearing of the appeal, the

briefing schedule in Dr. A. v. Hochul is set as follows: Appellants' brief is due October 18, 2021, at noon; Appellees' brief is due October 22, 2021, at noon; and the Reply brief is due October 25, 2021 at noon. Oral argument will be held in both appeals on October 27, 2021, at 2:00 p.m.

For the Court:

Catherine O'Hagan Wolfe,
Clerk of Court

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