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The Honorable Patricia S. Connor, Clerk of Court
U.S. Court of Appeals for the Fourth Circuit
1100 East Main Street, Suite 501
Richmond, Virginia 23219

Re: *Edwards v. Kerr* – Docket No. 21-1043 – Supplemental Authority

Dear Ms. Connor:

I write to advise the Court of supplemental authority under Rule 28(j). In the Director's reply brief, he argued Edwards's appeal appears moot because she did not obtain healthcare from Planned Parenthood South Atlantic in the nearly three years after she filed her complaint. Reply Br. 1–7. As a result, the Director urged the Court to “vacate the judgment below, vacate the prior panel decision, and remand with instructions to dismiss Edwards's claims as moot.” Reply Br. 7.

Yesterday, the Court issued an opinion in which it ordered that very relief—finding “the case moot,” “remand[ing] to the district court with directions to dismiss as moot,” and “*vacat[ing] the prior panel opinions* and the opinions of the district court.” *Hirschfeld v. Bureau of Alcohol, Firearms, Tobacco & Explosives*, No. 19-2250, 2021 WL 4301564, *2 (4th Cir. Sept. 22, 2021) (emphasis added).

Importantly, the Court ordered that relief despite “strong reasons to avoid vacatur” in that case, including “constitutional interests [that were] implicated and [a] short timeframe in which to challenge the restrictions.” *Id.* Those reasons do not apply here. And even if they did to some lesser extent, the Court's conclusion that “the public interest still favors vacating the opinions” is equally true here. *Id.* Thus, if the Court concludes that Edwards's appeal has become moot—or that she never had standing to begin with—the Court should order the same relief here.

Respectfully submitted,

/s/ John J. Bursch
John J. Bursch, Esq.
Counsel for Defendant-Appellant

cc: Counsel for Planned Parenthood South Atlantic and Julie Edwards (via ECF)