

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

LAUREN TERKEL; PINEYWOODS ARCADIA
HOME TEAM, LIMITED; LUFKIN CREEKSIDE
APARTMENTS, LIMITED; LUFKIN
CREEKSIDE APARTMENTS II, LIMITED;
LAKERIDGE APARTMENTS, LIMITED;
WEATHERFORD MEADOW VISTA
APARTMENTS, L.P.; MACDONALD PROPERTY
MANAGEMENT, L.L.C.,

Plaintiffs-Appellees,

v.

CENTERS FOR DISEASE CONTROL AND
PREVENTION; ROCHELLE P. WALENSKY, in
her official capacity as Director of the Centers for
Disease Control and Prevention; SHERRI A.
BERGER, in her official capacity as Acting Chief of
Staff for the Centers for Disease Control and
Prevention; UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES; XAVIER
BECERRA, Secretary, U.S. Department of Health
and Human Services; UNITED STATES OF
AMERICA,

Defendants-Appellants.

No. 21-40137

**APPELLANTS' UNOPPOSED MOTION TO PERMIT ATTORNEY TO
PARTICIPATE IN THE OCTOBER 6, 2021 ORAL ARGUMENT
BY REMOTE MEANS**

Oral argument in this appeal is scheduled to be heard on October 6, 2021
before Circuit Judges Edith H. Jones, Jerry E. Smith, and Catharina Haynes. The
government moved to voluntarily dismiss its appeal pursuant to Federal Rule of

Appellate Procedure 42(b), and the Court carried that motion with the case.

Plaintiffs' opposition raised concerns that the government might move to vacate the district court's judgment, but we are now authorized to represent that the government will not be asking the district court to vacate its judgment in this case. The government moves to participate in the October 6, 2021 oral argument by remote means. Plaintiffs asked the government to state their position as follows: Appellees will appear in person for the October 6, 2021, argument, but do not oppose the government's motion to participate remotely.

Respectfully submitted,

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Acting United States Attorney

ALISA B. KLEIN

s/ Brian J. Springer

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September 2021

CERTIFICATE OF COMPLIANCE

This motion complies with the type-volume limit of Federal Rule of Appellate Procedure 27(d)(2)(A) because it contains 154 words. This motion also complies with the typeface and type-style requirements of Federal Rules of Appellate Procedure 27(d)(1)(E) and 32(a)(5)-(6) because it was prepared using Microsoft Word 2016 in Garamond 14-point font, a proportionally spaced typeface.

s/ Brian J. Springer

Brian J. Springer

CERTIFICATE OF SERVICE

I hereby certify that on September 28, 2021, I electronically filed the foregoing motion with the Clerk of the Court for the United States Court of Appeals for the Fifth Circuit by using the appellate CM/ECF system. Participants in the case are registered CM/ECF users, and service will be accomplished by the appellate CM/ECF system.

s/ Brian J. Springer

Brian J. Springer