

No. 21-12243

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**IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT**

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STATE OF FLORIDA,  
*Plaintiff-Appellee,*

v.

XAVIER BECERRA, SECRETARY OF HEALTH AND HUMAN  
SERVICES, *et al.*,  
*Defendants-Appellants.*

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On Appeal from the United States District Court  
for the Middle District of Florida (Hon. Steven D. Merryday)

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**UNOPPOSED MOTION FOR 63-DAY EXTENSION OF TIME IN  
WHICH TO FILE OPENING BRIEF**

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SARAH E. HARRINGTON  
*Deputy Assistant Attorney  
General*

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BRIAN J. SPRINGER  
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**CERTIFICATE OF INTERESTED PERSONS AND  
CORPORATE DISCLOSURE STATEMENT**

Pursuant to Eleventh Circuit Rule 26.1-1, counsel for defendants-appellants certify that the following have an interest in the outcome of this appeal:

Alaska, State of

Alloway, Jessica M.

American Society of Travel Advisors

Becerra, Xavier

Beckenhauer, Eric

Cooper, Jonathan, G.

Florida, State of

Fuchs, Kimberly

Harrington, Sarah E.

Harrison, Lael A.

Harvey, Jr., David S.

Hilborn, Jason H.

Holland, Liam

Holland & Knight LLP

Holtzman Vogel Baran Torchinsky & Josefiak PLLC

Kercher, Ryan G.

Klein, Alisa B.

Lewis Brisbois Bisgaard & Smith LLP

Lobasso, Peter N.

Merryday, Honorable Steven D., U.S. District Court Judge

NCL (Bahamas) Ltd.

Netter, Brian D.

Norwegian Cruise Line Holdings Ltd. (Stock Ticker: NCLH)

Oceania Cruises S. De R.L.

Office of the Attorney General of Alaska

Office of the Attorney General of Florida

Office of the Attorney General of Texas

O'Sullivan, John F.

Patel, Anita J.

Percival, II, James Hamilton

Porcelli, Honorable Anthony E., U.S. Magistrate Judge

Powell, Amy

Quinn Emanuel Urquhart & Sullivan LLP

Sansone, Honorable Amanda Arnold, U.S. Magistrate Judge

Schouest, Bamdas, Soshea & BenMaier PLLC

Seven Seas Cruises S. De R.L.

Shaffer, Derek L.

Springer, Brian J.

Stockel, Eric J.

Texas, State of

U.S. Centers for Disease Control and Prevention

U.S. Department of Health and Human Services

United States of America

Varner, III, Joseph H.

Vieira, Olga

Walensky, Rochelle

Wenger, Edward

Whitaker, Henry C.

Young, Marc S.

For the following reasons, the federal government respectfully requests a 63-day extension of time, to and including February 1, 2022, in which to file its opening brief. This motion is unopposed.

1. The federal government's opening brief is currently due on November 30, 2021. The federal government previously received extensions totaling 90 days for this brief.

2. The federal government respectfully requests an additional 63-day extension of time in which to file its opening brief. The additional extension is expected to make this appeal unnecessary. This is an appeal from a preliminary injunction that barred the Centers for Disease Control and Prevention (CDC) from enforcing its Conditional Sailing Order (and related guidance) against cruise ships arriving at, within, or departing from a Florida port. By its terms, the CDC Order is due to expire on January 15, 2022, and then transition into a voluntary program, which should make this appeal unnecessary.

3. Plaintiff's counsel has authorized us to state that this extension motion is unopposed.

Respectfully submitted,

SARAH E. HARRINGTON

*Deputy Assistant Attorney General*<sup>1</sup>

*/s/ Alisa B. Klein*

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OCTOBER 2021

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<sup>1</sup> The Acting Assistant Attorney General is recused.

## CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing motion complies with the word limit of Federal Rule of Appellate Procedure 27(d)(2)(A) because it contains 165 words. The motion complies with the typeface and type-style requirements of Federal Rules of Appellate Procedure 27(d)(1)(E) and 32(a)(5) and (6) because it has been prepared using Microsoft Word 2016 in proportionally spaced 14-point Century Expd BT typeface.

*/s/ Alisa B. Klein*

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ALISA B. KLEIN

**CERTIFICATE OF SERVICE**

I hereby certify that on October 29, 2021, I electronically filed the foregoing motion with the Clerk of the Court for the United States Court of Appeals for the Eleventh 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/ Alisa B. Klein*  
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ALISA B. KLEIN