

Nos. 21-7000; 21-4102

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

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IN RE: MCP No. 165; OSHA RULE ON COVID-19 VACCINATION AND  
TESTING, 86 FED. REG. 61402

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**JOINDER IN THE PETITIONS FOR INITIAL HEARING EN BANC**

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*Counsel for Petitioners Tony Pugh and  
FabArc Steel Supply, Inc.*

## CORPORATE DISCLOSURE STATEMENT

Pursuant to FRAP 26.1 and 6th Cir. R. 26.1, Petitioner FabArc Steel Supply, Inc., and its President, Tony Pugh, certify that FabArc Steel Supply, Inc. is not a publicly traded company and is not a subsidiary or affiliate of any publicly traded company; nor does any publicly traded company have a substantial financial interest in this petition due to insurance, a franchise agreement, or indemnity agreement with FabArc or Tony Pugh.

Respectfully submitted November 24, 2021,

/s/ Matthew J. Clark

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**JOINDER IN THE PETITIONS FOR INITIAL HEARING EN BANC**

Petitioners FabArc Steel Supply, Inc. and Tony Pugh (transferred 6th Cir. No. 21-4102) join the petitions for initial hearing en banc filed in these consolidated cases:

*Bentkey Servs., LLC v. OSHA*, No. 21-4027

*Commonwealth of Kentucky et al. v. OSHA*, Nos. 21-7000, 21-4031

*Phillips Mfg. & Tower Co. v. OSHA*, No. 21-4028

*Republican Nat'l Comm. v. OSHA*, Nos. 21-7000, 21-4082

*Southern Baptist Theological Seminary v. OSHA*, No. 21-4033

Respectfully submitted,

/s/ Matthew J. Clark

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*Counsel for Petitioners FabArc Steel  
Supply, Inc. and Tony Pugh*

November 24, 2021

## CERTIFICATE OF COMPLIANCE

This joinder in the petitions for initial hearing en banc complies with the type-volume limitations of FRAP 27(d)(2)(a) because it contains 77 words. It complies with the typeface requirements of 6th Cir. R. 32(a) because it has been prepared in proportionally spaced typeface 14-point Times New Roman font using Microsoft Word.

Respectfully submitted,

/s/ Matthew J. Clark

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November 24, 2021

**CERTIFICATE OF SERVICE**

I certify that on November 24, 2021, I filed the foregoing with the Court's CM/ECF system, which will automatically serve a copy upon counsel for all parties of record.

/s/ Matthew J. Clark  
Matthew J. Clark  
*Counsel for Petitioners FabArc Steel  
Supply, Inc. and Tony Pugh*