

Nos. 21-7000 (lead), 21-4080

**United States Court of Appeals
for the Sixth Circuit**

In re: MCP No. 165; OSHA Rule on COVID-19 Vaccination and
Testing, 86 Fed. Reg. 61, 402

**JOINDER IN OPPOSITION TO RESPONDENTS' MOTION TO
AMEND SCHEDULE FOR STAY BRIEFING AND TO SET
SCHEDULE FOR MERITS BRIEFING**

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Joinder in Opposition to Respondents’ Motion to Amend Schedule for Stay Briefing and to Set Schedule for Merits Briefing

Pursuant to Federal Rule of Appellate Procedure 35 and this Court’s Initial Case Management Order, Petitioners Burnett Specialists, Choice Staffing, LLC, Staff Force, Inc., and LeadingEdge Personnel Services, Ltd., (“Petitioners”) join with the opposition to Respondents’ Motion to Amend Schedule for Stay Briefing and to Set Schedule for Merits Briefing. *See* 6th Cir No. 21-7000, Doc. 131. On November 26, 2021, twenty-seven states (the “State Petitioners”) filed an opposition to Respondents’ motion. *See* 6th Cir. No. 21-7000, Doc. 144. As the State Petitioners’ opposition argues, Respondents’ proposed schedule is unnecessarily rushed, inequitable, will not allow for full development of the issues before the Court, impractical, and attempts to suddenly expedite a procedure after delaying action themselves.

Petitioners respectfully request that this Court grant their motion, filed November 23, 2021, to transfer this matter to the Fifth Circuit. *See* 6th Cir. No. 21-7000, Doc. 95. In the alternative, Petitioners respectfully request that this Court reject Respondents’ Motion to Amend Schedule

for Stay Briefing and to Set Schedule for Merits Briefing. *See* 6th Cir No. 21-7000, Doc. 131.

Respectfully submitted,

By: /s/Robert Henneke

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CERTIFICATE OF SERVICE

I certify that on November 29, 2021, I caused a copy of this Joinder to be served on all parties by the Courts CM/ECF system.

/s/Robert Henneke

ROBERT HENNEKE

Attorney of record for Petitioners

CERTIFICATE OF COMPLIANCE

1. This document complies with the type-volume limit of Fed. R. App. P. 27(d)(2)(A) because, according to the Word Count function, excluding the parts of the document exempted by Fed. R. App. P. 32(f), it contains 195 words.

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/s/Robert Henneke
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