

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

COMMONWEALTH OF)
KENTUCKY; STATE OF IDAHO;)
STATE OF KANSAS; STATE OF)
OHIO; STATE OF OKLAHOMA;)
STATE OF TENNESSEE; and)
STATE OF WEST VIRGINIA;)

Petitioners,)

v.)

OCCUPATIONAL SAFETY AND)
HEALTH ADMINISTRATION,)
DEPARTMENT OF LABOR;)
DOUGLAS L. PARKER,)
Assistant Secretary of Labor of)
Occupational Safety and Health,)
in his official capacity; JAMES)
FREDERICK, Deputy Assistant)
Secretary of Labor for)
Occupational Safety and Health,)
in his official capacity; MARTIN)
J. WALSH, Secretary of Labor, in)
his official capacity)

Respondents.)

Docket Nos.:
21-4031 (6th Cir)
MCL No. 165

**UNOPPOSED MOTION FOR LEAVE TO FILE OVERLENGTH
REPLY IN SUPPORT OF STAY MOTION**

The petitioning States move for leave to a reply brief in support of their stay motion exceeding the word limit of Fed. R. App. P. 27(d)(2)(C). That rule limits motion to 2,600 words, and the States seek leave to file a brief of no more than 4,500 words. Counsel for the respondents told the States that the respondents have no objection to this motion.

Good cause supports the States' request. Already, the States and the respondents have both filed overlength briefs. Given the circumstances, they had little choice: this case requires speedy briefing of exceptionally important issues implicating numerous legal issues embodied in an administrative rule that covers of 150 pages in the Federal Register. And there is yet another reason to allow for a longer brief on reply: the States will need to respond to a great many arguments, as the respondents' brief opposing the stay request is 10,985 words, while the American Medical Association filed an amicus brief that is 2,597 words long.

In sum, to adequately address the immensely important issues this case presents, the States will need more than 2,600 words in reply. While they request 4,500 words, they will endeavor to make their brief significantly shorter.

Dated: November 18, 2021

Respectfully Submitted,

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CERTIFICATE OF COMPLIANCE

I hereby certify, in accordance with Rule 32(g) of the Federal Rules of Appellate Procedure, this brief complies with the type-volume requirements for a motion and contains 201 words. Fed. R. App. P. 27(d)(2)(A).

I further certify that this brief complies with the typeface requirements of Federal Rule 32(a)(5) and the type-style requirements of Federal Rule 32(a)(6) because it has been prepared in a proportionally spaced typeface using Microsoft Word in 14-point Century Schoolbook font.

/s/ Benjamin M. Flowers
BENJAMIN M. FLOWERS

CERTIFICATE OF SERVICE

I hereby certify that on November 18, 2021, this motion was filed electronically. Notice of this filing will be sent to all parties for whom counsel has entered an appearance by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Benjamin M. Flowers
BENJAMIN M. FLOWERS