

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

STATE OF GEORGIA, et al.

Plaintiffs-Appellees,

v.

PRESIDENT OF THE UNITED STATES, et al.,

Defendants-Appellants.

No. 21-14269

**UNOPPOSED MOTION TO EXPEDITE ORAL ARGUMENT**

Pursuant to Federal Rule of Appellate Procedure 27 and Eleventh Circuit Rule 27-1, the federal government respectfully requests that this Court expedite oral argument in this matter and direct the Clerk of the Court to schedule argument no later than the end of February 2022. This motion is unopposed.

1. This appeal concerns a nationwide injunction entered against the enforcement of an Executive Order that requires the inclusion of a COVID-19 safety clause in certain federal contracts. The district court entered its preliminary injunction on December 7, 2021, and the federal government filed a notice of appeal on December 9, 2021. The government also sought a stay pending appeal from the district court and from this Court.

2. On December 17, 2021, this Court denied the government's motion for a stay pending appeal but "expedite[d] the government's appeal of the district court's

preliminary injunction and set the case for the next available oral argument.” Order 2 (Dec. 17, 2021). Under the terms of that order, briefing in this matter would have been completed by January 24, 2022. On December 21, 2021, the Clerk of the Court tentatively calendared the appeal for the week of April 5, 2022. And on the same day, this Court adjusted the briefing schedule such that briefing will be completed by February 22, 2022.

**3.** In light of the Court’s direction that this appeal be expedited, and given the urgency and national importance of the issues presented here, the government respectfully requests that this Court expedite oral argument and direct the Clerk to schedule argument no later than the end of February 2022. The government stands ready to present oral argument at any time chosen by the Court. The government respectfully submits that the Court could allow for a February argument by reinstating the briefing schedule set in the December 17, 2021 order. Alternatively, the government respectfully submits that the Court could allow for a February argument by maintaining the existing schedule for the opening brief (due January 18, 2022) and the response brief (due February 8, 2022) but directing the government to file its reply brief by February 15, 2022.

**4.** Counsel for plaintiffs have authorized us to state that the motion to expedite oral argument is not opposed. Counsel for plaintiffs have also authorized us to state that they do not support returning to the briefing schedule set in the December 17, 2021 order.

Respectfully submitted,

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ALISA B. KLEIN  
DANIEL WINIK  
ANNA O. MOHAN

*David L. Peters*

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DAVID L. PETERS

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## **CERTIFICATE OF INTERESTED PARTIES**

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:

Ahuja, Kiran

Alabama Department of Agriculture and Industries

Alabama Department of Public Health

Alabama Department of Rehabilitation Services

Alabama, State of

\*American Academy of Allergy, Asthma & Immunology

\*American Academy of Family Physicians

\*American Academy of Pediatrics

\*American College of Chest Physicians

\*American College of Medical Genetics and Genomics

\*American College of Physicians

\*American Geriatrics Society

\*American Lung Association

American Medical Association

\*American Medical Women's Association

\*American Psychiatric Association

\*American Society for Clinical Pathology

\*American Society of Hematology

\*American Thoracic Society

Andrapalliyal, Vinita

Associated Builders and Contractors of Georgia, Inc.

Associated Builders and Contractors, Inc.

Austin, Lloyd

Bagenstos, Samuel R.

Baker, Honorable Stan R., U.S. District Court Judge

Becerra, Xavier

Biden, Joseph R.

Black, Gary W.

Boynton, Brian M.

Capers, Dunbar, Sanders & Belloti LLP

Caplan Cobb LLP

\*Caplan, Michael

Carnahan, Robin

Chavez, Richard

Collins, Francis S.

Criswell, Deanne

Democracy Forward Foundation

Dubner, Jeffrey B.

Dunbar, III, Paul H.

Epps, Honorable Brian K., U.S. Magistrate Judge

Fried, Rachel L.

Garg, Arpit K.

General Services Administration

Georgia, State of

Granholt, Jennifer

Holyoak, Melissa A.

Hydrick, Thomas T.

Idaho State Board of Education

Idaho, State of

Ivey, Kay

Jennings, Kathleen J.

Josephson, Matthew Allan

Kansas, State of

Kemp, Brian P.

\*Kintz, JoAnn L.

Klein, Alisa B.

Klorfein, Jarred A.

LaCour, Jr., Edmund Gerard

Lambert, Wm. Grayson

Laue, Brant M.

Limehouse, Jr., Thomas A.

Little, Brad

McDonough, Denis

McMaster, Henry

Melton, Harold David

Mohan, Anna O.

Morton, Jessica Anne

Murray, James M.

National Aeronautics and Space Administration

National Institutes of Health

National Science Foundation

Nelson, Bill

Office of Management and Budget

Office of the Attorney General of Alabama

Office of the Attorney General of Georgia

Office of the Attorney General of Idaho

Office of the Attorney General of Kansas

Office of the Attorney General of South Carolina

Office of the Attorney General of Utah

Office of the Attorney General of West Virginia

Office of the Governor of South Carolina

Office of the Solicitor General of Kansas

Panchanathan, Sethuraman

Patrick, Bradford Collins

Patterson, L. Eric

\*Parker, Jr., William Glenn

Peeler, Charles E.

Peters, David L.

\*Petrany, Stephen J.

Raimondo, Gina

Revesz, Joshua

Safer Federal Workforce Task Force

Scheinman, Sarah R.

See, Lindsay S.

Shedd, Michael G.

Smith, Jr., James Emory

\*Society of Interventional Radiology

South Carolina, State of

Stine, J. Larry

Stern, Mark B.

The Board of Regents of the University System of Georgia

Troutman Pepper



Tseytlin, Misha

Upradhyaya, Shraddha A.

U.S. Department of Commerce

U.S. Department of Defense

U.S. Department of Energy

U.S. Department of Health and Human Services

U.S. Department of Transportation

U.S. Department of Veterans Affairs

U.S. Office of Personnel Management

Utah, State of

Waldbeser, Drew F.

Walensky, Rochelle

West Virginia, State of

Wilson, Thomas A.

\* Winik, Daniel

Wimberly Lawson Steckel Schneider & Stine PC

Young, Shalanda

Zanzig, W. Scott

Zients, Jeffrey

*David L. Peters*  
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DAVID L. PETERS

### **CERTIFICATE OF COMPLIANCE**

This brief complies with the type-volume limit of Federal Rule of Appellate Procedure 27(d)(2)(A) because it contains 402 words. This brief also complies with the typeface and type-style requirements of Federal Rule of Appellate Procedure 32(a)(5)-(6) because it was prepared using Microsoft Word 2016 in Garamond 14-point font, a proportionally spaced typeface.

*David L. Peters*  
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DAVID L. PETERS

**CERTIFICATE OF SERVICE**

I hereby certify that on December 22, 2021, I filed and served the foregoing with the Clerk of the Court by causing a copy to be electronically filed via the appellate CM/ECF system. I also hereby certify that the participants in the case are registered CM/ECF users and will be served via the CM/ECF system.

*David L. Peters*

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DAVID L. PETERS