

Nos. 21-7000, 21-4096

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. 61402

On Petition for Review of Agency Order

**JOINDER IN MOTIONS TO EXTEND STAY AND IN OPPOSITION TO
RESPONDENTS' EMERGENCY MOTION TO DISSOLVE STAY**

Cathleen A. Martin
John A. Ruth
NEWMAN, COMLEY & RUTH, P.C.
601 Monroe Street, Suite 301
P.O. Box 537
Jefferson City, MO 65102-0537
(573) 634-2266
(573) 636-3306 FAX
martinc@ncrpc.com
jruth@ncrpc.com

*Counsel for Petitioners MFA Incorporated,
MFA Enterprises, Inc., Missouri Farm
Bureau Services, Inc., Missouri Farm Bureau
Insurance Brokerage, Inc., MFA Oil
Company, Doyle Equipment Manufacturing
Co., and Riverview Manufacturing, Inc.*

JOINDER IN MOTIONS TO EXTEND STAY AND IN OPPOSITION TO RESPONDENTS' EMERGENCY MOTION TO DISSOLVE STAY

Petitioners MFA Incorporated, MFA Enterprises, Inc., MFA Oil Company, Missouri Farm Bureau Services, Inc., Missouri Farm Bureau Insurance Brokerage, Inc., Doyle Equipment Manufacturing Co., and Riverview Manufacturing, Inc. ("Agricultural Petitioners") join with the motions to extend the Fifth Circuit Court of Appeals' stay of OSHA's vaccine mandate (the "Motion to Extend Stay") and the opposition to Respondents' emergency motion to dissolve the Stay ("Respondents' Motion to Dissolve Stay"). *See* 6th Circuit No. 21-7000, Doc. 69. On November 23, 2021, Petitioners Job Creators Network, Independent Bakers Association, Lawrence Transportation Company, Guy Chemical Company LLC, The Rabine Group of Companies, Pan-O-Gold Baking Company, and Waterblasting, LLC filed an opposition to Respondents' Motion to Dissolve Stay. *See* 6th Circuit No. 21-7000, Doc. 98. On November 30, 2021, Petitioner National Association of Home Builders of the United States filed a Motion to Extend Stay and an opposition to Respondents' Motion to Dissolve Stay. *See* 6th Circuit No. 21-7000, Doc. 230. On November 30, 2021, Petitioner Betten Chevrolet, Inc. filed a Motion to Extend Stay and an opposition to Respondents' Motion to Dissolve Stay. *See* 6th Circuit No. 21-7000, Doc. 246.

As has been previously set forth by the other petitioners in their motions and opposition referenced above, which arguments are adopted herein, dissolving the stay will create undue hardships on employers and businesses, maintaining the stay is necessary and appropriate, the petitioners are likely to succeed on the merits, the equities and public interest strongly favor a stay, the petitioners will suffer irreparable harm absent a stay, a stay will not substantially harm OSHA. This Court also should reject Respondents' attempts to narrow the stay. Therefore, Agricultural Petitioners respectfully request this Court extend the stay and deny Respondents' emergency motion to dissolve it.

Date: December 6, 2021

Respectfully Submitted,

By: /s/ John A. Ruth
Cathleen A. Martin
John A. Ruth
NEWMAN, COLEY & RUTH, P.C.
601 Monroe Street, Suite 301
P.O. Box 537
Jefferson City, MO 65102-0537
(573) 634-2266
(573) 636-3306 FAX
martinc@ncrpc.com
jruth@ncrpc.com

Attorneys for Petitioners MFA Incorporated,
MFA Enterprises, Inc., Missouri Farm
Bureau Services, Inc., Missouri Farm Bureau
Insurance Brokerage, Inc., MFA Oil
Company, Doyle Equipment Manufacturing
Co., and Riverview Manufacturing, Inc.

CERTIFICATE OF COMPLIANCE

1. This document complies with the type-volume limit of Fed. R. App. P. 35(b)(2)(A) because, excluding the parts of the document exempted by FED. R. APP. P. 32(f) and 6th Cir. R. 32(b), this document contains 670 words according to the word count function of Microsoft Word 365.

2. This document complies with the typeface requirements of FED. R. APP. P. 32(a)(5) and the type-style requirements of FED. R. APP. P. 32(a)(6) because this document has been prepared in a proportionally spaced typeface using Microsoft Word 365 in 14-point Times New Roman font.

/s/ John A. Ruth

CERTIFICATE OF SERVICE

I hereby certify that on December 6, 2021, a true and accurate copy of the foregoing motion was electronically filed with the Court using the CM/ECF system. Service on counsel for all parties will be accomplished through the Court's electronic filing system. A true and accurate copy of the foregoing motion was also sent, by U.S. Mail, postage pre-paid, to:

Mr. Aaron Abadi
82 Nassau Street, Apt. 140
New York, NY 10038

/s/ John A. Ruth