

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
AUGUSTA DIVISION**

THE STATE OF GEORGIA, et al.,	)	
	)	
<i>Plaintiffs,</i>	)	
	)	
ASSOCIATED BUILDERS AND	)	
CONTRACTORS OF GEORGIA, INC.	)	
and ASSOCIATED BUILDERS AND	)	
CONTRACTORS, INC.,	)	
	)	
<i>Plaintiff-Intervenors,</i>	)	
	)	
v.	)	
	)	
JOSEPH R. BIDEN in his official capacity	)	
as President of the United States;	)	
et al.,	)	
	)	
<i>Defendants.</i>	)	
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Case 1:21-cv-00163-RSB-BKE

**ABC’S RESPONSE TO DEFENDANTS’  
NOTICE OF SUPPLEMENTAL AUTHORITY**

Plaintiff-Intervenors Associated Builders and Contractors of Georgia, Inc. and Associated Builders and Contractors, Inc. (herein referred to collectively as “ABC”), hereby respond to the Defendants’ notice of supplemental authority, (Doc. 92). In their notice, Defendants assert that the Eleventh Circuit’s decision in *Florida v. United States Dep’t of Health and Human Services*, \_\_ F.4th \_\_, No. 21-14098-JJ (11<sup>th</sup> Cir. Dec. 6, 2021) “supplements Defendants’ merits arguments and arguments regarding the proper scope of any relief.” To the contrary, with regard to the merits, the Eleventh Circuit addressed a different and less intrusive rule limited to health care facilities, as to which the state of Florida – acting alone - made a significantly lesser showing

of injury and irreparable harm than the multiple state governments and ABC's national association of private construction contractors made in the present case.

Since the motion for preliminary injunction was denied, the discussion concerning the scope of the injunction is pure dicta. Nevertheless, the Eleventh Circuit reaffirmed that "a nationwide injunction may be warranted where it is necessary to provide complete relief to the plaintiffs, to protect similarly situated nonparties, or to avoid the "chaos and confusion" of a patchwork of injunctions." (Op. at 17.) None of these circumstances were found by the appeals court to be present in the Louisiana case; but all of them are present here: In addition to the multiple state plaintiffs from different sections of the country, it is undisputed that ABC represents a nationwide constituency of contractors who are "dispersed among the United States or 'myriad jurisdictions.'" (Op. 18-19.)

Respectfully submitted this 7<sup>th</sup> day of December 2021.

*/s/ J. Larry Stine*  
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**CERTIFICATE OF SERVICE**

I hereby certify that on December 7, 2021, I caused a true and correct copy of the foregoing to be served on counsel of record for all parties via ECF.

*/s/ J. Larry Stine* \_\_\_\_\_

J. Larry Stine

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