

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

The State of Georgia, et al.,

Plaintiffs,

v.

Joseph R. Biden in his official capacity  
as President of the United States, et al.,

Defendants.

Civil Action File No.  
1:21-cv-163-RSB-BKE

**PLAINTIFFS’ NOTICE OF INTENT TO FILE OPPOSITION TO  
DEFENDANTS’ EMERGENCY MOTION FOR STAY PENDING APPEAL  
AND FOR IMMEDIATE ADMINISTRATIVE STAY**

Plaintiffs hereby provide notice of their intent to file an opposition to Defendants’ Emergency Motion for Stay Pending Appeal and for Immediate Administrative Stay. Despite being styled an “emergency” motion, Defendants have not requested or provided adequate grounds to support, pursuant to Local Rule 7.7, shortening the briefing schedule set forth in Local Rule 7.5. As such, Plaintiffs intend to file an opposition brief within 14 days, unless the Court directs otherwise.

Additionally, Defendants’ Motion takes the extraordinary step of requesting—without any argument or legal authority in support of the request—an “immediate administrative stay” of the Court’s injunction pending the resolution of their Motion for Stay Pending Appeal. For the reasons identified in the Court’s Order granting Plaintiffs’ Amended Motion for Preliminary Injunction, an administrative stay would be counterproductive and impose on Plaintiffs the sort of harms that this Court carefully balanced in granting a preliminary injunction. This Court’s Order preserves

the status quo by relieving federal contractors nationwide from having to comply with vaccination requirements enacted by executive action that this Court has deemed likely to be illegal. An administrative stay pending resolution of the Motion for Stay Pending Appeal would cause chaos for federal contractors as to their compliance obligations, particularly in light of the Safer Federal Workforce Taskforce’s December 9, 2021 announcement on its website that, in light of the preliminary injunction, “[t]he Government will take no action to enforce the clause implementing requirements of Executive Order 14042, absent further written notice from the agency, where the place of performance identified in the contract is in a U.S. state or outlying area subject to a court order prohibiting the application of requirements pursuant to the Executive Order.” *See* <https://www.saferfederalworkforce.gov/contractors/> (last visited December 10, 2021).

If the Court were inclined to entertain an administrative stay pending the resolution of Defendants’ Motion, Plaintiffs request that before any administrative stay is implemented the Court hold a hearing requiring Defendants to show cause as to why they are entitled to an administrative stay, and grant Plaintiffs an opportunity to respond formally.

Respectfully submitted this 10th day of December, 2021.

STATE OF GEORGIA  
*Georgia Attorney General*  
*Christopher M. Carr*

*/s/ Drew F. Waldbeser*  
Stephen Petrany  
*Solicitor General*  
Drew F. Waldbeser (Admitted Pro Hac  
Vice)  
*Deputy Solicitor General*  
Ross W. Bergethon  
*Deputy Solicitor General*  
Office of the Attorney General  
40 Capitol Square, S.W.  
Atlanta, Georgia 30334  
Tel.: (404) 458-3378  
Fax: (404) 656-2199  
dwaldbeser@law.ga.gov

*Counsel for State of Georgia Plaintiffs*

*/s/ Charles E. Peeler*  
Harold D. Melton (Ga Bar No. 501570)  
Charles E. Peeler (Ga Bar No. 570399)  
Misha Tseytlin (Admitted Pro Hac Vice)  
*Special Assistant Attorneys General*  
*for Plaintiffs the State of Georgia,*  
*Governor Brian P. Kemp in his*  
*official capacity, Commissioner Gary*  
*W. Black in his official capacity; and*  
*the Board of Regents of the University*  
*System of Georgia*

Troutman Pepper Hamilton Sanders  
LLP  
Bank of America Plaza, Suite 3000  
600 Peachtree Street N.E.  
Atlanta, Georgia 30308-2216  
Tel.: (404) 885-3000  
Fax: (404) 962-6515  
Charles.Peeler@troutman.com

*Counsel for State of Georgia Plaintiffs*

*/s/ Paul H. Dunbar III*  
Paul H. Dunbar III (233300)  
Capers Dunbar Sanders & Bellotti,  
LLP  
2604 Commons Boulevard  
Augusta, Georgia 30909  
Tel: (706) 722-7542  
pauldunbar@bellsouth.net

*Local Counsel for Plaintiff-States and*  
*Agencies*

STATE OF ALABAMA  
Office of the Attorney General Steve  
Marshall

/s/ Edmund G. LaCour Jr.  
Edmund G. LaCour Jr. (Admitted Pro  
Hac Vice)  
*Solicitor General*  
Thomas A. Wilson (Admitted Pro Hac  
Vice)  
*Deputy Solicitor General*  
Office of the Attorney General  
501 Washington Ave.  
Montgomery, AL 36130  
Tel.: (334) 353-2196  
Fax: (334) 353-8400  
Edmund.LaCour@AlabamaAG.gov  
Thomas.Wilson@AlabamaAG.gov

*Counsel for Plaintiffs State of Alabama  
and Alabama Agencies*

STATE OF IDAHO  
Office of the Attorney General Lawrence  
G. Wasden

/s/ W. Scott Zanzig  
W. Scott Zanzig (Admitted Pro Hac Vice)  
*Deputy Attorney General*  
954 W Jefferson, 2nd Floor  
P. O. Box 83720  
Boise, ID 83720-0010  
Tel.: (208) 334-2400  
Fax: (208) 854-8073  
scott.zanzig@ag.idaho.gov

*Counsel for the State of Idaho*

/s/ William G. Parker, Jr.  
William G. Parker, Jr. (Admitted Pro  
Hac Vice)  
*General Counsel*  
Office of the Governor  
Alabama State Capitol  
600 Dexter Avenue, Room N-203  
Montgomery, Alabama 36130  
Tel.: (334) 242-7120  
Fax: (334) 242-2335  
Will.Parker@governor.alabama.gov

*Counsel for Governor Kay Ivey*

STATE OF KANSAS  
Office of Attorney General Derek  
Schmidt

/s/ Brant M. Laue  
Brant M. Laue (Pro Hac Vice  
forthcoming)  
*Solicitor General*  
20 SW 10th Avenue, 2nd Floor  
Topeka, Kansas 66612  
Tel: (785) 296-2215  
Fax: (785) 296-6296  
brant.laue@ag.ks.gov

*Counsel for the State of Kansas*

STATE OF SOUTH CAROLINA  
*Office of South Carolina Attorney  
General Alan Wilson*

/s/ J. Emory Smith, Jr.  
J. Emory Smith, Jr. (Admitted Pro Hac  
Vice)  
*Deputy Solicitor General*  
Thomas T. Hydrick (Pro Hac Vice  
forthcoming)  
*Assistant Deputy Attorney General*  
Office of the Attorney General  
Post Office Box 11549  
Columbia, South Carolina 29211  
Tel.: (803) 734-3680  
Fax: (803) 734-3677  
esmith@scag.gov

*Counsel for the State of South Carolina*

STATE OF WEST VIRGINIA  
*Office of Attorney General Patrick  
Morrissey*

/s/ Lindsay See  
Lindsay See (Pro Hac Vice Pending)  
*Solicitor General*  
Office of the Attorney General  
State Capitol Complex  
Bldg. 1, Room E-26  
Charleston, West Virginia 25305  
Tel.: (304) 558-2021  
Lindsay.S.See@wvago.gov

*Counsel for the State of West Virginia*

STATE OF SOUTH CAROLINA  
*Office of Governor Henry McMaster*

/s/ Thomas A. Limehouse, Jr.  
Thomas A. Limehouse, Jr. (Admitted Pro  
Hac Vice)  
*Chief Legal Counsel*  
Wm. Grayson Lambert (Admitted Pro  
Hac Vice)  
*Senior Legal Counsel*  
Michael G. Shedd (Admitted Pro Hac  
Vice)  
*Deputy Legal Counsel*  
Office of the Governor  
South Carolina State House  
1100 Gervais Street  
Columbia, South Carolina 29201  
(803) 734-2100  
tlimehouse@governor.sc.gov

*Counsel for Henry McMaster, in his  
official capacity as Governor of the State  
of South Carolina*

STATE OF UTAH  
*Office of the Attorney General Sean  
Reyes*

/s/ Melissa A. Holyoak  
Melissa A. Holyoak (Admitted Pro Hac  
Vice)  
*Solicitor General*  
Office of the Attorney General  
350 N. State Street, Suite 230  
P.O. Box 142320  
Salt Lake City, UT 84114-2320  
Tel.: (385) 271-2484  
melissaholyoak@agutah.gov

*Counsel for the State of Utah*

**CERTIFICATE OF SERVICE**

I hereby certify that on December 10, 2021, I caused to be electronically filed a true and correct copy of the foregoing with the Clerk of the Court using the CM/ECF system which will automatically send email notification of such filing to all counsel of record.

This 10th day of December, 2021.

*/s/Charles E. Peeler*

Charles E. Peeler (Ga Bar No. 570399)  
Troutman Pepper Hamilton Sanders LLP  
Bank of America Plaza, Suite 3000  
600 Peachtree Street N.E.  
Atlanta, Georgia 30308-2216  
Tel: (404) 885-3000  
Fax: (404) 885-3900  
Charles.Peeler@troutman.com