

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

THE STATE OF GEORGIA, et al.	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	Case No. 1:21-cv-163-RSB-BKE
JOSEPH R. BIDEN in his official	)	
capacity as President of the United	)	
States, et al.	)	
	)	
Defendants.	)	
	)	

**DEFENDANTS’ NOTICE OF SUPPLEMENTAL AUTHORITY**

Defendants hereby notify this Court of a decision rendered today by the U.S. Court of Appeals for the Eleventh Circuit in *Florida v. United States Dep’t of Health and Human Services*, — F.4th —, No. 21-14098-JJ (11th Cir. Dec. 6, 2021), *available at* <https://media.ca11.uscourts.gov/opinions/pub/files/21-14098order.pdf> (last accessed Dec. 6, 2021). In the decision, the Eleventh Circuit upheld the district court’s denial of a preliminary injunction to enjoin an interim final rule issued by the U.S. Department of Health and Human Services, which “requires facilities that provide health care to Medicare and Medicaid beneficiaries to ensure that their staff, unless exempt for medical or religious reasons, are fully vaccinated against COVID-19” as a condition for federal Medicare and Medicaid funding. *Id.* at 1. The decision supplements Defendants’ merits arguments and arguments regarding the proper scope of any relief. *See* Defs.’ Consol. Opp’n to Pls.’ and ABC’s Mots. for a Prelim. Inj. at 12–38, ECF No. 63.

Dated: December 6, 2021

Respectfully submitted,

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