

Nos. 21-7000; 21-4102

**IN THE 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

JOINDER IN RESPONSE TO GOVERNMENT'S MOTION TO DISMISS

Matthew J. Clark
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*Counsel for Petitioners Tony Pugh and
FabArc Steel Supply, Inc.*

CORPORATE DISCLOSURE STATEMENT

Pursuant to FRAP 26.1 and 6th Cir. R. 26.1, Petitioner FabArc Steel Supply, Inc., and its President, Tony Pugh, certify that FabArc Steel Supply, Inc. is not a publicly traded company and is not a subsidiary or affiliate of any publicly traded company; nor does any publicly traded company have a substantial financial interest in this petition due to insurance, a franchise agreement, or indemnity agreement with FabArc or Tony Pugh.

Respectfully submitted February 4, 2022,

/s/ Matthew J. Clark

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Petitioners FabArc Steel Supply, Inc. and Tony Pugh (transferred 6th Cir. No. 21-4102) join the Religious Petitioners' response (Dkt. 410) to the government's motion to dismiss (Dkt. 408). FabArc and Pugh have no objection to dismissing the case, provided that the Court vacate its prior decision based on mootness. *United States v. Munsingwear, Inc.*, 340 U.S. 36, 39-40 (1950).

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February 4, 2022

CERTIFICATE OF COMPLIANCE

This joinder in the petitions for initial hearing en banc complies with the type-volume limitations of FRAP 27(d)(2)(a) because it contains 67 words. It complies with the typeface requirements of 6th Cir. R. 32(a) because it has been prepared in proportionally spaced typeface 14-point Times New Roman font using Microsoft Word.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on February 4, 2022, I filed the foregoing with the Court's CM/ECF system, which will automatically serve a copy upon counsel for all parties of record.

/s/ Matthew J. Clark
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*Counsel for Petitioners FabArc Steel
Supply, Inc. and Tony Pugh*