

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

HEALTH FREEDOM DEFENSE
FUND, INC., *et al.*,

Plaintiffs,

v.

JOSEPH R. BIDEN, JR., in his
official capacity as the President of the
United States, *et al.*,

Defendants.

Case No. 8:21-cv-1693-KKM-AEP

DEFENDANTS' NOTICE OF A RELATED ACTION

In accordance with Local Rule 1.07(c), I certify that the instant action:

 X IS related to pending or closed civil or criminal case(s) previously filed in this Court, or any other Federal or State court, or administrative agency as indicated below:

- *Wall v. CDC*, No. 6:21-cv-00975-PGB-DCI (M.D. Fla.)¹

 IS NOT related to any pending or closed civil or criminal case filed with this Court, or any other Federal or State court, or administrative agency.

¹ Plaintiffs identified *Wall* in their notice of a related action, ECF No. 10, but also took the position that the two cases are not related. Respectfully, Federal Defendants submit that *Wall* qualifies as a “related action pending in the Middle District” within the meaning of Local Rule 1.07(c). Both cases challenge the same agency action, and all of Plaintiffs’ claims in this case are also being asserted by the plaintiff in *Wall*. In light of the parties’ disagreement, absent further order or direction from the Court on this subject, Defendants reserve their right to file a motion to transfer pursuant to Local Rule 1.07(a)(2)(B), in an effort to avoid the “inefficiency or inconsistency” likely to result from litigating two challenges to the same agency action, on the same legal theories, in the same federal district, before two different judges.

I further certify that I will serve a copy of this NOTICE OF A RELATED ACTION upon each party no later than fourteen days after appearance of the party.

Dated: September 17, 2021

Respectfully submitted,

BRIAN M. BOYNTON
Acting Assistant Attorney General

KARIN HOPPMANN
Acting United States Attorney

ERIC B. BECKENHAUER
Assistant Branch Director

By: /s/ Stephen M. Pezzi
STEPHEN M. PEZZI
Trial Attorney
United States Department of Justice
Civil Division
Federal Programs Branch
1100 L Street NW
Washington, DC 20005
Telephone: 202-305-8576
Email: stephen.pezzi@usdoj.gov

Counsel for Defendants