

# United States Court of Appeals for the Fifth Circuit

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No. 21-60845

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BST HOLDINGS, L.L.C.; RV TROSCLAIR, L.L.C.; TROSCLAIR AIRLINE, L.L.C.; TROSCLAIR ALMONASTER, L.L.C.; TROSCLAIR AND SONS, L.L.C.; TROSCLAIR ; TROSCLAIR, INCORPORATED; TROSCLAIR CARROLLTON, L.L.C.; TROSCLAIR CLAIBORNE, L.L.C.; TROSCLAIR DONALDSONVILLE, L.L.C.; TROSCLAIR HOUMA, L.L.C.; TROSCLAIR JUDGE PEREZ, L.L.C.; TROSCLAIR LAKE FOREST, L.L.C.; TROSCLAIR MORRISON, L.L.C.; TROSCLAIR PARIS, L.L.C.; TROSCLAIR TERRY, L.L.C.; TROSCLAIR WILLIAMS, L.L.C.; RYAN DAILEY; JASAND GAMBLE; CHRISTOPHER L. JONES; DAVID JOHN LOSCHEN; SAMUEL ALBERT REYNA; KIP STOVALL; ANSWERS IN GENESIS, INCORPORATED; AMERICAN FAMILY ASSOCIATION, INCORPORATED; BURNETT SPECIALISTS; CHOICE STAFFING, L.L.C.; STAFF FORCE, INCORPORATED; LEADINGEDGE PERSONNEL, LIMITED; STATE OF TEXAS; HT STAFFING, LIMITED; DOING BUSINESS AS HT GROUP; THE STATE OF LOUISIANA; COX OPERATING, L.L.C.; DIS-TRAN STEEL, L.L.C.; DIS-TRAN PACKAGED SUBSTATIONS, L.L.C.; BETA ENGINEERING, L.L.C. OPTIMAL FIELD SERVICES, L.L.C.; THE STATE OF MISSISSIPPI; GULF COAST RESTAURANT GROUP, INCORPORATED; THE STATE OF SOUTH CAROLINA; THE STATE OF UTAH; WORD OF GOD FELLOWSHIP, INCORPORATED, DOING BUSINES AS DAYSTAR TELEVISION NETWORK,

*Petitioners,*

*versus*

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION,  
UNITED STATES DEPARTMENT OF LABOR; UNITED STATES

No. 21-50353

DEPARTMENT OF LABOR; MARTIN J. WALSH, SECRETARY, U.S.  
DEPARTMENT OF LABOR; DOUGLAS PARKER, IN HIS OFFICIAL  
CAPACITY AS ASSISTANT SECRETARY OF LABOR FOR  
OCCUPATIONAL SAFETY AND HEALTH,

*Respondents.*

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Petition for Review of  
Occupational Safety and Health Administration  
Emergency Temporary Standard

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Before JONES, DUNCAN, and ENGELHARDT, *Circuit Judges.*

PER CURIAM: \*

Before the court is the petitioners'<sup>1</sup> emergency motion to stay enforcement of the Occupational Safety and Health Administration's November 5, 2021 Emergency Temporary Standard<sup>2</sup> (the "Mandate") pending expedited judicial review.

Because the petitions give cause to believe there are grave statutory and constitutional issues with the Mandate, the Mandate is hereby STAYED pending further action by this court.

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\* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

<sup>1</sup> This order addresses only the emergency motion filed by the above-captioned petitioners. Going forward, the Clerk of Court shall ensure that all related motions and petitions in this court be consolidated under this case number, and that all parties—including the Government—make all related filings in this case.

<sup>2</sup> See COVID-19 Vaccination and Testing; Emergency Temporary Standard, 86 Fed. Reg. 61,402 (Nov. 5, 2021) (to be codified at 29 C.F.R. pts. 1910, 1915, 1917, 1918, 1926, and 1928).

No. 21-60845

The Government shall respond to the petitioners' motion for a permanent injunction by 5:00 PM on Monday, November 8.

The petitioners shall file any reply by 5:00 PM on Tuesday, November 9.

*So ordered.*

***United States Court of Appeals***

FIFTH CIRCUIT  
OFFICE OF THE CLERK

LYLE W. CAYCE  
CLERK

TEL. 504-310-7700  
600 S. MAESTRI PLACE,  
Suite 115  
NEW ORLEANS, LA 70130

November 06, 2021

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

No. 21-60845 BST Holdings v. OSHA  
USDC No. 29 CFR 1910

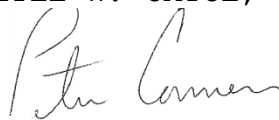
Enclosed is the opinion entered in the case captioned above.

The Government's response to the petitioners' motion for a permanent injunction is due by 5:00 PM on Monday, November 8, 2021.

The petitioners shall file any reply by 5:00 PM on Tuesday, November 9, 2021.

Sincerely,

LYLE W. CAYCE, Clerk



By: Peter A. Conners, Deputy Clerk  
504-310-7685

Mr. Edmund C. Baird  
Mr. John Stone Campbell III  
Mr. William Francis Cole  
Ms. Sarah Harbison  
Mr. Robert E. Henneke  
Mrs. Melissa A. Holyoak  
Mr. Thomas T. Hydrick  
Mr. Jeffrey Jennings  
Mr. Jeffrey Carl Mateer  
Mr. Justin Lee Matheny  
Mr. Matthew R. Miller  
Ms. Elizabeth Baker Murrill  
Mr. John Parham Murrill  
Ms. Kate S. O'Scannlain  
Mr. Thomas E. Perez  
Mr. Howard M. Radzely  
Mr. Aaron Randall Rice  
Mr. Joseph Scott St. John  
Mr. Scott Stewart