

[NOT SCHEDULED FOR ORAL ARGUMENT]

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

STATE OF NEW JERSEY, *et al.*,
Plaintiff-Appellants,

v.

AL STEWART, *et al.*,
Defendants-Appellees;

PUBLIC CITIZEN HEALTH RESEARCH, *et
al.*,
Plaintiff-Appellants,

v.

AL STEWART, *et al.*,
Defendants-Appellees.

Nos. 21-5016, 21-5018
(consol.)

GOVERNMENT MOTION TO HOLD APPEAL IN ABEYANCE

These consolidated appeals involves a regulation issued by the Occupational Safety & Health Administration (OSHA) that addressed reporting requirements for qualifying employers to record work-related injuries and illnesses on three standardized forms. *See* 84 Fed. Reg. 380 (January 25, 2019). The district court upheld the regulation and plaintiffs appealed. Due to the recent change in administration, there is new leadership at OSHA and the Department of Labor. New agency officials have decided to re-evaluate the issues underlying

this appeal. In order to provide sufficient time for them to become familiar with the issues in these cases, the government respectfully moves to place this appeal in abeyance, with status reports due at 60-day intervals. Plaintiffs have authorized us to state that they consent to a stay of 60 days, but oppose holding the cases in abeyance for a period longer than 60 days.

Respectfully submitted,

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/s/ Laura E. Myron

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CERTIFICATE OF COMPLIANCE

This brief complies with the type-volume limit of Federal Rule of Appellate Procedure 27(d)(1)-(2) because it contains 151 words. This brief also complies with the typeface and type-style requirements of Federal Rule of Appellate Procedure 32(a)(5)-(6) because it was prepared using Microsoft Word 2016 in Garamond 14-point font, a proportionally spaced typeface.

/s/ Laura E. Myron

LAURA E. MYRON

Counsel for the Defendants-Appellees

CERTIFICATE OF SERVICE

I hereby certify that on February 26, 2021, I electronically filed the foregoing motion with the Clerk of the Court for the United States Court of Appeals for the District of Columbia Circuit by using the appellate CM/ECF system. Participants in the case are registered CM/ECF users, and service will be accomplished by the appellate CM/ECF system.

/s/ Laura E. Myron

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