

United States Court of Appeals for the Fifth Circuit

No. 21-60845

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.

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

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

PER CURIAM: *

Before the court is the petitioners’¹ emergency motion to stay enforcement of the Occupational Safety and Health Administration’s November 5, 2021 Emergency Temporary Standard² (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.

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

¹ 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.

² 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