

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

COMMONWEALTH OF )  
KENTUCKY; STATE OF IDAHO; )  
STATE OF KANSAS; STATE OF )  
OHIO; STATE OF OKLAHOMA; )  
STATE OF TENNESSEE; and )  
STATE OF WEST VIRGINIA; )

Petitioners, )

v. )

OCCUPATIONAL SAFETY AND )  
HEALTH ADMINISTRATION, )  
DEPARTMENT OF LABOR; )  
DOUGLAS L. PARKER, )  
Assistant Secretary of Labor for )  
Occupational Safety and Health, )  
in his official capacity; JAMES )  
FREDERICK, Deputy Assistant )  
Secretary of Labor for )  
Occupational Safety and Health, )  
in his official capacity; MARTIN )  
J. WALSH, Secretary of Labor, in )  
his official capacity )

Respondents. )

Docket No.

\_\_\_\_\_ )  
*Electronically filed*

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**PETITION FOR REVIEW**

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Pursuant to Fed. R. App. 15, section 6(f) of the Occupational Safety and Health Act, 29 U.S.C. § 655(f), and the Administrative Procedure Act,

5 U.S.C. §§ 551–706, the Commonwealth of Kentucky and the States of Idaho, Kansas, Ohio, Oklahoma, Tennessee, and West Virginia (the “Petitioner States”) hereby petition the Court for review of the emergency temporary standard entitled “*COVID-19 Vaccination and Testing; Emergency Temporary Standard*” issued by the U.S. Department of Labor’s Occupational Safety and Health Administration, published in the Federal Register on November 5, 2021 at Volume 86, pages 61402 through 61555, and the accompanying administrative record. A copy of the emergency temporary standard is attached to this petition as Exhibit 1.

On this date, Petitioner States are also filing a motion to stay the emergency temporary standard pending the Court’s review pursuant to Fed. R. App. 18. The States respectfully request a ruling on that motion for a stay pending final judgment by no later than **November 12, 2021**. This will allow the States to seek immediate relief at the Supreme Court before the compliance dates should this Court deny relief.

To facilitate a ruling by this date, the States propose the following briefing schedule for their motion to stay:

- Response brief: due **Tuesday, November 9**
- Reply brief: due **Wednesday, November 10, at 5 PM**

Dated: November 5, 2021

Respectfully Submitted,

DANIEL CAMERON  
Attorney General of Kentucky

/s/ Christopher L. Thacker

Victor B. Maddox

Christopher L. Thacker

Alexander Y. Magera

Jeremy J. Sylvester

Lindsey R. Keiser

Office of the Attorney General

700 Capital Avenue, Suite 118

Frankfort, Kentucky 40601

Phone: (502) 696-5300

Victor.Maddox@ky.gov

Christopher.Thacker@ky.gov

*Counsel for the Commonwealth of  
Kentucky*

LAWRENCE G. WASDEN  
Attorney General of Idaho

Brian Kane  
Chief Deputy Attorney General  
Leslie M. Hayes  
Megan A. Larrondo  
Deputy Attorneys General  
700 W. Jefferson Street, Ste. 210  
P.O. Box 83720  
Boise, Idaho 83720  
Phone: 208-334-2400  
Brian.kane@ag.idaho.gov

*Counsel for State of Idaho*

JOHN M. O'CONNOR  
Attorney General of Oklahoma

Mithun Mansinghani  
Oklahoma Solicitor General  
313 N.E. 21st St.  
Oklahoma City, OK  
Phone: (405) 521-3921  
Mithun.Mansinghani@oag.ok.gov

*Counsel for State of Oklahoma*

DAVE YOST  
Attorney General of Ohio

Benjamin M. Flowers  
Ohio Solicitor General  
May Davis  
Deputy Solicitor General  
30 E. Broad St., 17th Floor  
Columbus, OH 43215  
Phone: (614) 466-8980  
bflowers@OhioAGO.gov

*Counsel for State of Ohio*

DEREK SCHMIDT  
Attorney General of Kansas

Jeffrey A. Chanay  
Chief Deputy Attorney General  
120 SW 10th Avenue, 2nd Floor  
Topeka, Kansas 66612  
Phone: (785) 296-2215  
Jeff.chanay@ag.ks.gov

*Counsel for the State of Kansas*

HERBERT H. SLATERY III  
Attorney General of Tennessee

Clark L. Hildabrand  
Brandon J. Smith  
Assistant Solicitors General  
Office of the Attorney General  
and Reporter  
P.O. Box. 20207  
Nashville, Tennessee 37202-0207  
Phone: (615) 532-4081  
clark.hildabrand@ag.tn.gov  
brandon.smith@ag.tn.gov

*Counsel for State of Tennessee*

PATRICK MORRISEY  
Attorney General of West Virginia

Lindsay See  
Solicitor General  
Michael Williams (*admitted in  
Michigan; practicing under  
supervision of West Virginia  
attorneys*)  
Office of the Attorney General  
State Capitol Complex  
Bldg. 1, Room E-26  
Charleston, West Virginia 25305  
Phone: (304) 558-2021  
Lindsay.S.See@wvago.gov

*Counsel for the State of  
West Virginia*

## CERTIFICATE OF SERVICE

I certify that on November 5, 2021, in accordance with 28 U.S.C. §2112(a), I served a copy of this Petition for Review on Respondents by delivering a copy via first-class mail and by electronic mail as indicated below:

Edmund C. Baird  
Associate Solicitor of Labor for Occupational Safety and Health  
Office of the Solicitor  
U.S. Department of Labor  
200 Constitution Avenue, N.W., Rooms S-4004  
Washington, D.C. 20210  
Electronic Mail: zzSOL-Covid19-ETS@dol.gov

Doug Parker  
Assistant Secretary of Labor for Occupational Safety and Health  
Occupational Safety and Health  
200 Constitution Avenue, N.W.  
Washington, DC 20210  
Electronic Mail: zzSOL-Covid19-ETS@dol.gov

James Frederick  
Deputy Assistant Secretary of Labor for Occupational Safety and Health  
Occupational Safety and Health  
200 Constitution Avenue, N.W.  
Washington, DC 20210  
Electronic Mail: zzSOL-Covid19-ETS@dol.gov

Martin J. Walsh  
Secretary of Labor  
Department of Labor  
200 Constitution Avenue, N.W.  
Washington, DC 20210  
Electronic Mail: zzSOL-Covid19-ETS@dol.gov

Merrick Garland  
Attorney General  
Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, D.C. 20530

/s/ Christopher L. Thacker  
*Counsel for the Commonwealth of  
Kentucky*