

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

IN RE: OCCUPATIONAL SAFETY AND HEALTH
ADMINISTRATION, INTERIM FINAL RULE:
COVID-19 VACCINATION AND TESTING;
EMERGENCY TEMPORARY STANDARD, 86
FED. REG. 61402, ISSUED ON NOVEMBER 4, 2021

MCP No. 165

(SEE ATTACHED SCHEDULE)

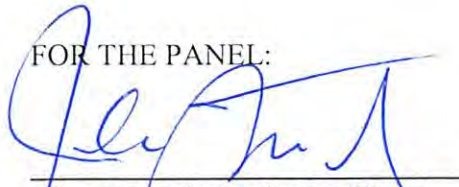
CONSOLIDATION ORDER

The U.S. Department of Labor, Occupational Safety and Health Administration issued a notice dated November 4, 2021. On November 16, 2021, the Panel received, pursuant to 28 U.S.C. § 2112(a)(3), a notice of multicircuit petitions for review of that order. The notice included petitions for review pending in twelve circuit courts of appeal as follows: District of Columbia Circuit Court, First Circuit Court, Second Circuit Court, Third Circuit Court, Fourth Circuit Court, Fifth Circuit Court, Sixth Circuit Court, Seventh Circuit Court, Eighth Circuit Court, Ninth Circuit Court, Tenth Circuit Court and Eleventh Circuit Court.


The Panel has randomly selected the United States Court of Appeals for the Sixth Circuit Court in which to consolidate these petitions for review.

IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 2112(a)(3), the petitions on the attached schedule are consolidated in the United States Court of Appeals for the Sixth Circuit Court, and that this circuit is designated as the circuit in which the record is to be filed pursuant to Rules 16 and 17 of the Federal Rules of Appellate Procedure.

FOR THE PANEL:



John W. Nichols, Clerk of Panel
Random Selector



Delora Davis, Operations Supervisor
Witness

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SCHEDULE OF PETITIONS

| <u>CIRCUIT NO.</u> | <u>CASE CAPTION</u> |
|------------------------------|--|
| First Circuit, No. 21-1926 | Massachusetts Building Trades Council. v. OSHA, et al. |
| Second Circuit, No. 21-2800 | Local 32BJ Service Employees International Union, et al. v. OSHA, et al. |
| Third Circuit, No. 21-3088 | AFT Pennsylvania v. OSHA, et al. |
| Fourth Circuit, No. 21-2262 | United Association of Journeymen & Apprentices v. OSHA, et al. |
| Fourth Circuit, No. 21-2283 | Associated General Contractors of America, et al. v. OSHA, et al. |
| Fifth Circuit, No. 21-60845 | BST Holdings v. OSHA |
| Sixth Circuit, No. 21-4027 | Bentkey Services v. OSHA, et al. |
| Sixth Circuit, No. 21-4028 | Phillips Manufacturing & Tower, et al. v. OSHA, et al. |
| Sixth Circuit, No. 21-4031 | Commonwealth of KY, et al. v. OSHA, et al. |
| Sixth Circuit, No. 21-4032 | Answers in Genesis, Inc. v. OSHA |
| Sixth Circuit, No. 21-4033 | Southern Baptist Theological, et al. v. OSHA, et al. |
| Seventh Circuit, No. 21-3058 | Tankcraft Corporation, et al. v. OSHA |
| Seventh Circuit, No. 21-3066 | State of Indiana v. OSHA, et al. |
| Eighth Circuit, No. 21-3491 | Job Creators Network, et al. v. U.S. Department of Labor, et al. |
| Eighth Circuit, No. 21-3494 | State of Missouri, et al. v. Joseph R. Biden, Jr., et al. |
| Eighth Circuit, No. 21-3540 | DTN Staffing Inc., et al. v. OSHA, et al. |

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| <u>CIRCUIT NO.</u> | <u>CASE CAPTION</u> |
|---|--|
| Eighth Circuit, No. 21-3556 | MFA Inc., et al. v. U.S. Department of Labor, et al. |
| Ninth Circuit, No. 21-71370 | National Association of Broadcast v. OSHA, et al. |
| Ninth Circuit, No. 21-71374 | Media Guild of the West v. OSHA, et al. |
| Ninth Circuit, No. 21-71379 | Union of America Physicians v. OSHA, et al. |
| Tenth Circuit, No. 21-9592 | The Denver Newspaper Guild, et al. v. OSHA, et al. |
| Eleventh Circuit, No. 21-13866 | State of Florida, et al. v. O.S.H.A., U.S. D.O.L |
| Eleventh Circuit, No. 21-13900 | FabArc Steel Supply, Inc., et al. v. OSHA, et al. |
| Eleventh Circuit, No. 21-13910 | Associated Builders & Contractors, Inc., et al. v. OSHA, et al. |
| District of Columbia Circuit No. 21-1215 | Republican National Committee v. OSHA, et al. |
| District of Columbia Circuit, No. 21-1219 | United Food & Commercial Workers Inter'l Union, et al. v. OSHA, et al. |
| District of Columbia Circuit, No. 21-1232 | National Assoc. of Home Builder of the United States v. OSHA, et al. |