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

Debora Davis, Operations Supervisor
Witness

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SCHEDULE OF PETITIONS

CIRCUIT NO.	CASE CAPTION
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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SCHEDULE OF PETITIONS

CIRCUIT NO.	CASE CAPTION
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.