

**IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF ALABAMA**

AMERICA’S FRONTLINE

DOCTORS, et al,

Plaintiffs,

v.

XAVIER BECERRA, et al,

Defendants.

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Case No. 2:21-cv-702-CLM

**UNOPPOSED MOTION TO EXTEND TIME
FOR FILING AMENDED COMPLAINT**

Come now the Plaintiffs, pursuant to F.R.Cv.P. 15(a)(2), and respectfully move this Honorable Court for an order extending the time within which Plaintiffs may file an amended complaint in this cause. As grounds for this motion, the Plaintiffs show as follows:

1. Since the initiation of this case, there have been substantial changes in the law that impacts this case and its resolution:

(A) the Alabama legislature, in the waning days of its last session, enacted a law regarding vaccines that affected the claims of several of the initial Plaintiffs in this case;

(B) the President of the United States on September 9, 2021, informed the American people that mandatory vaccines for many employers and their employees

would shortly thereafter be imposed, and on this date, he issued the following Executive Orders:

(1) Executive Order 14042, “Ensuring Adequate COVID Safety Protocols for Federal Contractors”, 86 Fed.Reg. 50985 (September 14, 2021); and

(2) Executive Order 14043, “Requiring Coronavirus Disease 2019 Vaccination for Federal Employees,” 86 Fed.Reg. 50989 (September 14, 2021).

(C) As one Internet media source recently stated on October 13, the “Occupational Safety and Health Administration (OSHA) Tuesday evening sent its vaccine mandate recommendation to the White House for review. The rule will take effect once the Office of Management and Budget (OMB) completes its review and it’s published in the Federal Register.”

2. Over the last several weeks, the undersigned has periodically reviewed the daily issues of the Federal Register in an effort to locate any of these predicted regulatory changes, but the fact of the matter is that nothing has as yet been proposed by the relevant regulatory bodies, even to the moment of the drafting of this motion.

3. It is contemplated that these forthcoming regulations may very well have an effect upon any amended complaint that the Plaintiffs may file herein.

4. News of an expected nationwide vaccine mandate has caused many federal employees and federal contractor employees in the Northern District of Alabama to express interest in joining this action as plaintiffs, but until the expected regulation

is known which may very well affect this action, it is very difficult to frame an amended complaint that may very well need to again be amended the day after it is filed.

5. The lead Plaintiff in this case, America's Frontline Doctors, one of its original members from Alabama, and one of his patients, have clear standing and valid claims to be asserted herein by the amended complaint. Further, some of the current Plaintiffs are now being confronted by their employers with vaccine mandates, but such circumstances will most likely be affected as soon as the expected OSHA regulation[s] referenced above are published and made effective.

6. The undersigned has contacted defense counsel Isaac Belfer and Laura Smith and been informed that they do not object to this motion to extend time to file an amended complaint.

Wherefore, the premises considered, the Plaintiffs respectfully move the court to extend until October 29, 2021, the time within which to file its expected amended complaint.

Respectfully submitted this the 14th day of October, 2021.

/s/ Lowell H. Becraft, Jr.
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CERTIFICATE OF SERVICE

I hereby certify that on this date, October 14, 2021, I electronically transmitted this pleading to the Clerk of the Court using the CM/ECF system for filing, which will send notification of such filing to the following counsel for the Defendants:

Don B. Long, III
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Isaac C. Belfer and Laura Katherine Smith
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/s/ Lowell H. Becraft, Jr.
Lowell H. Becraft, Jr.