

In the  
**Supreme Court of the United States**

---

**IN RE: MCP NO. 165, OCCUPATIONAL SAFETY AND HEALTH  
ADMINISTRATION, ITERIM FINAL RULE: COVID-19 VACCINATION AND  
TESTING; EMERGENCY TEMPORARY STANDARD 86 FED. REG. 61402,  
ISSUED ON NOVEMBER 4, 2021**

*On Applications for Stay or Injunction Pending Review of Petition for Writ of  
Certiorari to the United States Court of Appeals for the Sixth Circuit*

---

**CERTIFICATE OF SERVICE**

I hereby certify that on January 5, 2022, I served a copy of this Motion and Brief by email upon the following persons, and that on January 12, 2022, I served a copy of this Motion and Brief on the following persons via first class mail pursuant to Rule 29.3.

Joshua Andrew Berry  
Boyden Gray & Associates  
801 17th St. NW Suite 350  
Washington, DC 20006  
berry@boydengrayassociates.com  
(202) 809-5613

Elizabeth B. Prelogar  
Solicitor General  
United States Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, D.C. 20530-0001  
SupremeCtBriefs@USDOJ.gov  
(202) 514-2217

Randy S. Rabinowitz  
OSH Law Project, LLC  
P.O. Box 3769  
Washington, DC 20027  
randy@oshlaw.org  
(202) 256-4080

---

/s/ JOHN A. EIDSMOE

JOHN A. EIDSMOE\*

*\*Counsel of Record*

FOUNDATION FOR MORAL LAW

One Dexter Avenue

Montgomery, AL 36104

(334) 262-1245

eidsmoeja@juno.com

*Counsel for Amicus Curiae*