#### AFFIDAVIT OF SERVICE

SUPREME COURT OF THE UNITED STATES

Nos. 21A243, 21A244, 21A245, 21A246, 21A247, 21A248, 21A249, 21A250, 21A251, 21A252, 21A258, 21A259, 21A260 and 21A267

-----X

NATIONAL FEDERATION OF INDEPENDENT BUSINESS, et al., Applicants,

1).

DEPARTMENT OF LABOR, OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION,  $\it et~al.$ ,

Respondents.

OHIO, et al.,

Applicants,

12

DEPARTMENT OF LABOR, OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, et al.,

Respondents.

\_\_\_\_

JOB CREATORS NETWORK, et al.,

Applicants,

v.

 $DEPARTMENT\ OF\ LABOR,\ OCCUPATIONAL\ SAFETY\ AND\ HEALTH\ ADMINISTRATION,\ et\ al.,$ 

Respondents.

PHILLIPS MANUFACTURING & TOWER COMPANY, et al., Applicants,

v.

DEPARTMENT OF LABOR, OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, et al.,

Respondents.

THE SOUTHERN BAPTIST THEOLOGICAL SEMINARY, et al.,

THE SOUTHERN BAPTIST THEOLOGICAL SEMINARY, et al., Applicants,

v.

DEPARTMENT OF LABOR, OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, et al.,

Respondents.

BST HOLDINGS, LLC, et al.,

Applicants,

v.

 $DEPARTMENT\ OF\ LABOR,\ OCCUPATIONAL\ SAFETY\ AND\ HEALTH\ ADMINISTRATION,\ et\ al.,$ 

Respondents.

THE HERITAGE FOUNDATION,

Applicant,

2)

DEPARTMENT OF LABOR, OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, et al.,

Respondents.

WORD OF GOD FELLOWSHIP, INC. D/B,

Applicants,

1)

DEPARTMENT OF LABOR, OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, et al.,

Respondents.

\_\_\_\_\_\_

ASSOCIATED BUILDERS AND CONTRACTORS, INC., et al., Applicants,

v

DEPARTMENT OF LABOR, OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, et al.,

Respondents.

SCOTT BEDKE, IN HIS OFFICIAL CAPACITY AS SPEAKER OF THE IDAHO HOUSE OF REPRESENTATIVES, et al. et al.,

Applicants,

2)

DEPARTMENT OF LABOR, OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, et al.,

Respondents.

REPUBLICAN NATIONAL COMMITTEE,

Applicant,

v.

DEPARTMENT OF LABOR, OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, et al.,

Respondents.

\_\_\_\_\_

BETTEN CHEVROLET, INC.,

Applicant,

v

DEPARTMENT OF LABOR, OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, et al.,

Respondents.



BENTKEY SERVICES, LLC, DBA THE DAILY WIRE, Applicant,
v. DEPARTMENT OF LABOR, OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, et al., Respondents.
FABARC STEEL SUPPLY, INC., et al., Applicant, v. DEPARTMENT OF LABOR, OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, et al., Respondents.
STATE OF NEW YORK )
COUNTY OF NEW YORK )

I, Melissa Pickett, being duly sworn according to law and being over the age of 18, upon my oath depose and say that:

I am retained by Counsel of Record for Amicus Curiae.

That on the 30<sup>th</sup> day of December, 2021, I served the within MOTION OF WE THE PATRIOTS USA, INC. FOR LEAVE TO FILE ATTACHED AMICUS BRIEF IN SUPPORT OF APPLICATIONS FOR STAY OR INJUNCTION PENDING REVIEW AND PETITIONS FOR A WRIT OF CERTIORARI BEFORE JUDGMENT AND FOR LEAVE TO FILE WITHOUT 10-DAYS NOTICE in the above-captioned matter upon:

#### SEE ATTACHED SERVICE LIST

by sending three copies of same, addressed to each individual respectively, and enclosed in a properly addressed wrapper, through the United States Postal Service, by Express Mail, postage prepaid. An electronic version was also served by email to each individual.

That on the same date as above, I sent to this Court fourty copies and 1 un-bound copy of the within MOTION OF WE THE PATRIOTS USA, INC. FOR LEAVE TO FILE ATTACHED AMICUS BRIEF IN SUPPORT OF APPLICATIONS FOR STAY OR INJUNCTION PENDING REVIEW AND PETITIONS FOR A WRIT OF CERTIORARI BEFORE JUDGMENT AND FOR LEAVE TO FILE WITHOUT 10-DAYS NOTICE through the United States Postal Service by Express Mail, postage



prepaid. In addition, the brief has been submitted through the Court's electronic filing system.

All parties required to be served have been served.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 30<sup>th</sup> day of December, 2021.



Melissa Pickett

Sworn to and subscribed before me this 30<sup>th</sup> day of December, 2021.

MARIANA BRAYLOVSKIY

Notary Public State of New York No. 01BR6004935 Qualified in Richmond County Commission Expires March 30, 2022

Mariana Braylovsk

#309917



#### SERVICE LIST

### Counsel for BST Holdings, LLC, RV Trosclair, LLC, et al.

Buck Dougherty Liberty Justice Center 141 W. Jackson Street, Suite 1605 Chicago, IL 60603 bdougherty@libertyjusticecenter.org

#### Counsel for UFCW:

Peter Ford 1775 K Street NW Washington, DC 20006 (202) 320-0724 pford@ufcw.org

#### Counsel for AFL-CIO:

Harold Craig Becker 815 Sixteenth Street NW Washington, DC 20006 (202) 637-5397 cbecker@aflcio.org

#### Counsel for National Association of Home Builders:

Felicia K. Watson National Association of Home Builders of the United States 1201 15th Street N.W. Washington, D.C. 20005 (202) 266-8229 fwatson@nahb.org

#### Counsel for Massachusetts Building Trades Council:

Nicole Horberg Decter Segal Roitman, LLP 33 Harrison Avenue, 7th Floor Boston, Massachusetts 02111 (617) 742-0208 ndecter@segalroitman.com

#### Counsel for Local 32BJ, SEIU:

Allyson L. Belovin Levy Ratner, P.C. 80 Eighth Avenue, 8th Floor New York, New York 10011 (212) 627-8100 abelovin@levyratner.com



#### Counsel for Aaron Abadi:

Aaron Abadi 82 Nassau St., Apartment 140 New York, NY 10038 aa@neg.com

#### Counsel for AFT Pennsylvania:

Amy L. Rosenberger Willig Williams & Davidson 1845 Walnut Street, 24th Floor Philadelphia, PA 19103 arosenberger@wwdlaw.com

# Counsel for United Association of Journeymen:

Keith R. Bolek O'Donoghue & O'Donoghue LLP 5301 Wisconsin Avenue, NW, Suite 800 Washington, D.C. 20015 (202) 362-0041 kbolek@odonoghuelaw.com

#### Counsel for Associated General Contractors of America et al.:

Thomas P. Gies Crowell & Moring LLP 1001 Pennsylvania Avenue NW Washington, DC 20004-2595 (202) 624-2690 tgies@crowell.com

# Counsel for Burnett Specialists, Choice Staffing LLC, Staff Force, Inc., HT Staffing, and LeadingEdge Personnel, Ltd.:

Matthew R. Miller Texas Public Policy Foundation 901 Congress Avenue Austin, TX 78701 (512) 472-2700 mmiller@texaspolicy.com

# Counsel for Answers in Genesis, American Family Association, Inc. and Word of God

Fellowship, Inc.:
Jeffrey C. Mateer
First Liberty Institute
2001 West Plano Parkway, Suite 1600
Plano, TX 75075
(972) 941-4444



#### jmateer@firstliberty.org

#### Counsel for State of Texas:

Judd E. Stone II Office of the Solicitor General 209 W. 14th Street Austin, TX 78701 (512) 936-1700 Judd.stone@oag.texas.gov

#### Counsel for State of Louisiana:

Elizabeth B. Murrill Office of the Attorney General P.O. Box 94005 Baton Rouge, LA 70804 (225) 326-6766 murrille@ag.louisiana.gov

# <u>Counsel for Cox Operating, DIS-TRAN Steel, DIS-TRAN Packaged Substations, Beta Engineering LLC, and Optimal Field Services:</u>

John P. Murrill Taylor, Porter, Brooks & Phillips L.L.P. 450 Laurel Street, Suite 800 Baton Rouge, LA 70801 (225) 381-0241 John.murrill@taylorporter.com

# Counsel for State of Mississippi:

Scott G. Stewart Mississippi Attorney General's Office P.O. Box 220 Jackson, MS 39205 (601) 359-3680 Scott.stewart@ago.ms.gov

#### Counsel for State of South Carolina:

Thomas T. Hydrick Office of the Attorney General for the State of South Carolina Post Office Box 11549 Columbia, SC 29211 (803) 734-3680 thomashydrick@scag.gov



## Counsel for Gulf Coast Restaurant Group:

Aaron R. Rice Mississippi Justice Institute 520 George St. Jackson, MS 39202 (601) 969-1300 Aaron.rice@msjustice.org

#### Counsel for the State of Utah:

Melissa A. Holyoak Office of the Attorney General for the State of Utah 160 E. 300, S., 5th Floor Salt Lake City, UT 84114 (801) 366-0113 melissaholyoak@agutah.gov

# Counsel for Texas Trucking Association et al.:

Steven P. Lehotsky Lehotsky Keller LLP 200 Massachusetts Ave. NW Washington, DC 20001 (512) 693-8350 steve@lehotskykeller.com

# Counsel for Greg Abbott:

James P. Sullivan
Office of the Governor for the State of Texas
1100 San Jacinto Blvd., 4th Floor
Austin, Texas 78701
(703) 717-2390
Sully.jps@gmail.com

#### Counsel for Bentkey Services:

Harmeet K. Dhillon Stuart S. McCommas Dhillon Law Group Inc. 177 Post Street, Suite 700 San Francisco, California 94108 (415) 433-1700 harmeet@dhillonlaw.com



Counsel for Bentkey Services; Southern Baptist Theological Seminary; Asbury Theological Seminary; Christian Employers Alliance; Sioux Falls Catholic Schools; Home School Legal Defense Association, Inc.; Cambridge Christian School and The King's Academy:

Ryan L. Bangert Alliance Defending Freedom 440 First Street NW., Suite 600 Washington, DC 20001 (202) 393-8690 rbangert@ADFlegal.org

#### Counsel for Commonwealth of Kentucky:

Christopher L. Thacker Office of the Attorney General 700 Capital Avenue, Suite 118 Frankfort, Kentucky 40601 (502) 696-5300 Christopher.thacker@ky.gov

# Counsel for State of Idaho:

Brian Kane Chief Deputy Attorney General 700 W. Jefferson Street, Suite. 210 P.O. Box 83720 Boise, Idaho 83720-0010 (208) 334-2400 Brian.kane@ag.idaho.gov

#### Counsel for the State of Kansas:

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

# Counsel for the State of Ohio:

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



## Counsel for the State of Oklahoma:

Mithun Mansinghani Oklahoma Solicitor General 313 N.E. 21st St. Oklahoma City, OK 73105 (405) 521-3921 Mithun.mansinghani@oag.ok.gov

# Counsel for the State of Tennessee:

Clark L. Hildabrand
Office of the Attorney General and Reporter
P.O. Box. 20207
Nashville, Tennessee 37202
(615) 532-4081
Clark.hildabrand@ag.tn.gov

# Counsel for the State of West Virginia:

Lindsay S. See Solicitor General Office of the Attorney General State Capitol Complex Bldg. 1, Room E-26 Charleston, West Virginia 25305 (304) 558-2021 Lindsay.s.see@wvago.gov

# Counsel for Tankcraft Corporation and Plasticraft Corporation:

Daniel P. Lennington Wisconsin Institute for Law & Liberty 330 East Kilbourn Avenue, Suite 725 Milwaukee, WI 53202 (414) 727-9455 Dan@will-law.org

#### Counsel for State of Indiana:

Thomas M. Fisher Solicitor General Office of the Attorney General IGC South, Fifth Floor 302 W. Washington Street Indianapolis, IN 46204 (317) 232-6255 Tom.Fisher@atg.in.gov



## Counsel for Job Creators Network et al.:

R. Trent McCotter
Boyden Gray & Associates
801 17th St. NW, #350
Washington, DC 20006
(202) 706-5488
mccotter@boydengrayassociates.com

#### Counsel for State of Missouri:

D. John Sauer Solicitor General Office of the Attorney General Supreme Court Building 207 W. High St. P.O. Box 899 Jefferson City, MO 65102 (573) 751-8870 John.sauer@ago.mo.gov

# Counsel for State of Arizona:

Drew Ensign
Deputy Solicitor General
Arizona Attorney General's Office
2005 N. Central Ave.
Phoenix, AZ 85004
(602) 542-3333
Drew.ensign@azag.gov

#### Counsel for State of Montana:

David M.S. Dewhirst Solicitor General Office of the Attorney General 215 North Sanders P.O. Box 201401 Helena, MT 59620 (406) 444-2026 David.dewhirst@mt.gov

#### Counsel for State of Nebraska:

James A. Campbell Solicitor General Office of the Nebraska Attorney General 2115 State Capitol Lincoln, Nebraska 68509 (402) 471-2682 Jim.campbell@nebraska.gov



#### Counsel for State of Arkansas:

Nicholas J. Bronni Solicitor General Office of the Arkansas Attorney General 323 Center Street, Suite 200 Little Rock, Arkansas 72201 (501) 682-8090 Nicholas.bronni@arkansasag.gov

# Counsel for State of Iowa:

Samuel P. Langholz Assistant Solicitor General Office of the Iowa Attorney General 1305 E. Walnut Street Des Moines, Iowa 50319 (515) 281-5164 Sam.langholz@ag.iowa.gov

# Counsel for State of North Dakota:

Matthew A. Sagsveen Solicitor General Office of Attorney General 500 North 9th Street Bismarck, ND 58501 (701) 328-3640 masagsve@nd.gov

# Counsel for State of South Dakota:

David M. McVey Assistant Attorney General 1302 E. Highway 14, Suite 1 Pierre, SD 57501-8501 (605) 773-3215 David.mcvey@state.sd.us

#### Counsel for State of Alaska:

Charles E. Brasington Assistant Attorney General State of Alaska 1031 West Fourth Avenue, Suite 200 Anchorage, AK 99501 (907) 269-6612 Charles.brasington@alaska.gov



#### Counsel for State of New Hampshire:

Anthony J. Galdieri Solicitor General New Hampshire Department of Justice 33 Capitol Street Concord, NH 03301 (603) 271-3658 Anthony,j.galdieri@doj.nh.gov

# Counsel for State of Wyoming:

Ryan Schelhaas Chief Deputy Attorney General Wyoming Attorney General's Office 109 State Capitol Cheyenne, WY 82002 (307) 777-5786 Ryan.schelhaas@wyo.gov

# Counsel for AAI, Inc.:

Jefferson Downing P.O. Box 82248 Lincoln, Nebraska 68501 (402) 475-8230 Jd@keatinglaw.com

# Counsel for Doolittle Trailer Manufacturing, Inc.:

Matthew W. Murphy Vessell Bridges Murphy Law Offices 3901 S. Providence Road, Suite D Columbia, Missouri 65203 (573) 777-4488 matt@vbmlaw.com

# Counsel for DTN staffing et al.:

Joshua Joseph Campbell Rachel Jag America First Policy Institute 1001 Pennsylvania Ave., NW, Suite 530 Washington, DC 20004 (571) 348-1802 jcampbell@americafirstpolicy.com



#### Counsel for MFA Incorporated et al.:

John A. Ruth Newman, Comley & Ruth P.C. 601 Monroe Street, Suite 301 P.O. Box 537 Jefferson City, MO 65101 (573) 634-2266 jruth@ncrpc.com

# Counsel for NABET and Union of American Physicians and Dentists

Counsel for Media Guild of the West:

David A. Rosenfeld Weinberg, Roger & Rosenfeld 1375 55th Street Emeryville, California 94608 (510) 337-1001 drosenfeld@unioncounsel.net

# Counsel for the Denver Newspaper Guild:

Stanley M. Gosch Rosenblatt & Gosch, PLLC 8085 East Prentice Avenue Greenwood Village, CO 80111 (303) 721-7399 sgosch@cwa-union.org

# Counsel for State of Florida:

Henry C. Whitaker Solicitor General Office of the Attorney General The Capitol, Pl-01 Tallahassee, Florida 32399 (850) 414-3688 henry.whitaker@myfloridalegal.com jason.hilborn@myfloridalegal.com

#### Counsel for State of Georgia:

Ross Warren Bergethon Office of the Attorney General of Georgia 40 Capitol Square, S.W. Atlanta, Georgia 30334 (404) 458-4546 rbergethon@law.ga.gov



#### Counsel for State of Alabama:

Edmund G. LaCour, Jr.
Solicitor General
Office of the Attorney General
501 Washington Ave.
Montgomery, AL 36130
(334) 242-7300
Edmund.lacour@alabamaag.gov

# <u>Counsel for Georgia Highway Contractors Association, Georgia Motor Trucking</u> Association, and Robinson Paving:

Josh Belinfante
Robbins Alloy Belinfante Littlefield LLC
500 Fourteenth Street NW
Atlanta, GA 30318
(678) 701-9381
Josh.belinfante@robbinsfirm.com

# Counsel for Scotch Plywood Company, Inc.:

Halron W. Turner Turner, Onderdonk, Kimbrough, Howell, Huggins & Bradley P.O. Box 1389 Chatom, Alabama 36518 (251) 847-2237 hwt@tokh.com

# Counsel for FabArc Steel Supply and Tony Pugh:

Matthew J. Clark Alabama Center for Law and Liberty 2213 Morris Ave., Floor 1 Birmingham, AL 35203 (256) 510-1828 matt@alabamalawandliberty.org

# <u>Counsel for Associated Builders and Contractors, Inc. and Associated Builders and Contractors of Alabama:</u>

James Larry Stine
Wimberly, Lawson, Steckel, Schneider & Stine, PC
3400 Peachtree Road N.E., Suite 400
Atlanta, Georgia 30326
(404) 365-0900
Jls@wimlaw.com



## Counsel for Natural Products Association:

Ashley Steiner Kelly Arnall Golden Gregory LLP 171 17th Street, N.W. Suite 2100 Atlanta, GA 30363 404-873-7020 Ashley.kelly@agg.com

#### Counsel for Oberg Industries, LLC:

Patrick Strawbridge
Consovoy McCarthy PLCC
Ten Post Office Square
8th Floor South, PMB #706
Boston, Massachusetts 02109
(617) 227-0548
patrick@consovoymccarthy.com

# Counsel for Betten Chevrolet, Inc.:

Christopher Wiest 25 Town Center Blvd, Suite 104 Crestview Hills, KY 41017 513-257-1895 chris@cwiestlaw.com

#### Counsel for Tore Says, LLC:

Grant J. Guillot Grant Guillot, LLC 5028 River Meadow Drive Baton Rouge, LA 70820 225-614-7838 grant@grantguillot.com

#### Counsel for Heritage Foundation:

Abigail Ann Southerland American Center for Law and Justice 625 Bakers Bridge Ave., Suite 105-121 Franklin, TN 37064 (800) 296-4529 asoutherland@aclj.org



#### Counsel for Scott Bedke, Chuck Winder, and Sixty-Sixth Idaho Legislature:

William G. Myers, III Holland & Hart LLP 800 West Main Street, Suite 1750 Boise, ID 83702 208-342-5000 wmyers@hollandhart.com

# Counsel for National Employment Lawyers Association and Jobs with Justice Education

Fund

Michael Timothy Anderson Murphy Anderson 1401 K Street, N.W., Suite 300 Washington, DC 20005 manderson@murphypllc.com abreihan@murphypllc.com

# Counsel for Texans for Responsible Government and Dade Phelan, Texas Speaker of the

House:

David Joseph Beck
Beck Redden
1221 McKinney Street, Suite 4500
Houston, TX 77010
cflores@beckredden.com

#### Counsel for Local 32BJ, SEIU:

Nicole G. Berner Service Employees International Union 1800 Massachusetts Avenue, N.W. Washington, DC 20036 nicole.berner@seiu.org

# Counsel for Massachusetts Building Trades Council and North America's Building

Trades Unions:

Victoria Louise Bor Sherman, Dunn, Cohen, Leifer & Yellig 900 Seventh Street, N.W., Suite 1000 Washington, DC 20001 bor@shermanndunn.com

# Counsel for Small Business Association of Michigan:

Steven R. Eatherly 150 W. Jefferson Avenue, Suite 100 Detroit, MI 48226 eatherly@butzel.org



# Counsel for American Medical Association:

Jeffrey B. Dubner Democracy Forward Foundation P.O. Box 34553 Washington, DC 20043 jdubner@democracyforward.org

# Counsel for Constitutional Accountability Center:

Brianne Jenna Gorod Constitutional Accountability Center 1200 18th Street, N.W., Suite 501 Washington, DC 20036 brianne@theusconstitution.org

# Counsel for American Public Health Association et al:

Deepak Gupta 2001 K Street, N.W., Suite 850 N. Washington, DC 20006 deepak@guptawessler.com

# Counsel for Small Business Authority et al:

Emmy L. Levens Cohen, Milstein, Sellers & Toll 1100 New York Avenue, N.W., Suite 500-W Washington, DC 20005 elevens@cohennmilstein.com

#### Counsel for New Civil Liberties Alliance:

Shen Tao Li New Civil Liberties Alliance 1225 19th Street, N.W., Suite 450 Washington, DC 20036 Sheng.Li@ncla.legal

# Counsel for Charles N. Jeffress et al:

Scott Lawrence Nelson Public Citizen Litigation Group 1600 Twentieth Street, N.W. Washington, DC 20009 snelson@citizen.org



#### Counsel for Michigan House of Representative and Michigan Senate:

David Andrew Porter Kienbaum, Hardy, Viviano, Pelton & Forrest 280 N. Old Woodward Avenue, Suite 400 Birmingham, MI 48009 dporter@khvpf.com

#### Counsel for Wisconsin Manufacturers & Commerce:

Scott E. Rosenow WMC Litigation Center 501 E. Washington Avenue Madison, WI 53703 srosenow@wmc.org

#### Counsel for Ohio Chamber of Commerce et al:

Catherine L. Strauss Ice Miller 250 West Street, Suite 700 Columbus, OH 43215 Catherine.strauss@icemiller.com

Counsel for Occupational Safety and Health Administration; U.S. Department of Labor; Douglas L. Parker, in his Official Capacity as Assistant Secretary of Labor for Occupational Safety and Health Administration; James Frederick, Deputy Assistant Secretary of Labor for Occupational Safety and Health Administration; Martin J. Walsh, Secretary, U.S. Department of Labor; Joseph R. Biden, President of the United States of America; United States of America:

Elizabeth Prelogar Solicitor General of the United States, U.S. Department of Justice 950 Pennsylvania Ave. NW, Room 5616 Washington, DC 20530-0001 (202) 514-2203 SupremeCtBriefs@usdoj.gov

#### Counsel for Republican National Committee:

Michael Eugene Toner Wiley Rein LLP 2050 M Street, NW Washington, DC 20036 (202) 719-7000 mtoner@wiley.law

