

No. _____

IN THE

Supreme Court of the United States

AARON ABADI,

Applicant,

v.

OCCUPATIONAL SAFETY & HEALTH ADMINISTRATION,

Respondent.

On Application for an emergent motion to STAY vaccine mandate specifically
for those with natural immunity pending review,
denied by **United States Court of Appeals for the Sixth Circuit.**

EMERGENCY APPLICATION FOR STAY OF VACCINE MANDATE
FOR THOSE WITH NATURAL IMMUNITY, REQUESTED BY MONDAY
DECEMBER 27, 2021

Applicant:

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<p>To the Honorable Brett M. Kavanaugh, Associate Justice of the Supreme Court of the United States and Circuit Justice for the Sixth Circuit</p>

QUESTION PRESENTED

People that already had Covid, and now have a natural immunity; Would they be considered a “grave danger,” authorizing OSHA to include them in the ETS? Or is it arbitrary and capricious to allow vaccinated people to go to work and not those with natural immunity, that have similar or better protection from the virus?

PARTIES TO THE PROCEEDING

The parties to this proceeding are Aaron Abadi, with name, address, and contact info listed above, as Applicant.

The following are petitioners in the proceedings below, but are not parties to this Emergency Application: Republican National Committee, BST Holdings, LLC; RV Trosclair LLC; Trosclair Airline LLC; Trosclair Almonaster LLC; Trosclair and Sons LLC; Trosclair & Trosclair, Inc.; Trosclair Carrollton LLC; Trosclair Claiborne LLC; Trosclair Donaldsonville, LLC; Trosclair Houma LLC; Trosclair Judge Perez LLC; Trosclair Lake Forest LLC; Trosclair Morrison LLC; Trosclair Paris LLC; Trosclair Terry LLC; and Trosclair Williams LLC; Ryan Dailey; Jasand Gamble; Christopher L. Jones; David John Loschen; Samuel Albert Reyna; Kip Stovall; Burnett Specialists; Choice Staffing, LLC; Staff Force Inc.; Leading Edge Personnel, Ltd.; United Food and Commercial Workers, AFL-CIO; American Federation of Labor and Congress of Industrial Organizations; National Association of Home Builders of the United States; Massachusetts Building Trades Council; Local 32BJ, Service Employees International Union; AFT Pennsylvania; United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada, AFL-CIO; Associated General Contractors of America, Inc.; American Road and Transportation Builders Association; Signatory Wall and Ceiling Contractors Alliance; American Family Association, Inc.; Word of God Fellowship, Inc., d/b/a/ Daystar Television Network, Inc.; State of Texas; HT Staffing, Ltd., d/b/a HT Group; State of Louisiana; Cox Operating, L.L.C; DIS-TRAN Steel, LLC; DIS-TRAN Packaged Substations, LLC;

Beta Engineering, LLC; Optimal Field Services, LLC; State of Mississippi; Gulf Coast Restaurant Group Inc.; State of South Carolina; State of Utah; Texas Trucking Association; Mississippi Trucking Association; Louisiana Motor Transport Association; American Trucking Associations, Inc.; National Federation Of Independent Business; National Retail Federation; FMI The Food Industry Association; National Association Of Convenience Stores; National Association Of Wholesaler-Distributors; International Warehouse & Logistics Association; International Foodservice Distributors Association; Greg Abbott; Bentkey Services, LLC, d/b/a/ The Daily Wire; Phillips Manufacturing & Tower Co.; Sixarp, LLC; Commonwealth of Kentucky; State of Idaho; State of Kansas; State of Ohio; State of Oklahoma; State of Tennessee; State of West Virginia; Answers in Genesis, Inc.; Southern Baptist Theological Seminary; Asbury Theological Seminary; Tankcraft Corporation; Plasticraft Corporation; State of Indiana; Job Creators Network; Independent Bankers Association; Lawrence Transportation Company; Guy Chemical Company, LLC; Rabine Group of Companies; Pan-O-Gold Baking Company; Terri Mitchell; State of Missouri; State of Arizona; State of Nebraska; State of Montana; State of Arkansas; State of Iowa; State of North Dakota; State of South Dakota; State of Alaska; State of New Hampshire; State of Wyoming; AAI, Inc.; Doolittle Trailer Mfg., Inc.; Christian Employers Alliance; Sioux Falls Catholic Schools d/b/a Bishop O'Gorman Catholic Schools; Home School Legal Defense Association, Inc.; DTN Staffing Inc.; Jamie Fleck; Sadie Haws; Sheriff Sharma; Wendi Johnston; Miller Insulation Company; Brad Miller;

Corey Hager; Julio Hernandez Ortiz; Aaron Janz; MFA Incorporated; MFA Enterprises, Inc.; Missouri Farm Bureau Services, Inc.; Missouri Farm Bureau Insurance Brokerage, Inc.; MFA Oil Company; Doyle Equipment Manufacturing Co.; Riverview Manufacturing, Inc.; National Association of Broadcast Employees & Technicians—The Broadcasting & Cable Television Workers Section of the Communications Workers of America, AFL-CIO, Local 51; Media Guild of the West, The News Guild-Communications Workers of America, AFL-CIO, Local 39213; Union of American Physicians and Dentists; The Denver Newspaper Guild, Communications Workers of America, Local 37074, AFL-CIO; State of Florida; State of Alabama; State of Georgia; Georgia Highway Contractors Association; Georgia Motor Trucking Association; Robinson Paving Co.; Scotch Plywood Company, Inc.; The King 's Academy; Cambridge Christian School; FabArc Steel Supply, Inc.; Tony Pugh; Associated Builders and Contractors, Inc.; and Associated Builders and Contractors of Alabama, Inc.

Respondents are the Occupational Safety & Health Administration (“OSHA”) of the U.S. Department of Labor.

The following are respondents in the proceedings below, but are not parties to this Emergency Application: Marty Walsh, United States Secretary of Labor; Douglas L. Parker, Assistant Secretary of Labor for Occupational Safety and Health; James Frederick, Deputy Assistant Secretary of Labor for Occupational Safety and Health; Joseph R. Biden, President of the United States; and the United States of America.

CORPORATE DISCLOSURE STATEMENT

None of the direct parties to this application are a private corporation. OSHA is a department within the Department of Labor, which is a part of the executive branch of the federal government.

STATEMENT OF RELATED PROCEEDINGS

This application was brought due to a stay that was denied in the case number 21-4133, ABADI v. OCCUPATIONAL SAFETY & HEALTH ADMINISTRATION, & the consolidated case # 21-7000 currently pending review at the 6th Circuit Court of Appeals.

This case was transferred from the 2nd Circuit Court of Appeals, case # 21-2842.

This case is related to the following:

In re: MCP No. 165, Occupational Safety & Health Admin. Rule on COVID-19 Vaccination and Testing, 86 Fed. Reg. 61402, Issued on November 4, 2021, No. 21-7000 (6th Cir.) (docket for lead case).

In re: MCP No. 165, Occupational Safety & Health Admin. Rule on COVID-19 Vaccination and Testing, 86 Fed. Reg. 61402, No. 21-7000, 2021 WL 5914024 (6th Cir. Dec. 15, 2021) (denying petitions for initial hearing en banc).

In re: MCP No. 165, Occupational Safety & Health Admin. Rule on COVID-19 Vaccination and Testing, 86 Fed. Reg. 61402, No. 21-7000, 2021 WL 5989357 (6th Cir. Dec. 17, 2021) (dissolving Fifth Circuit's stay pending judicial review).

ABADI v. OSHA, No. 21-4133 (6th Cir.) was consolidated with No. 21-7000 (6th Cir.) as No. 21-4082 (6th Cir.) (docket for individual case).

BST Holdings, LLC v. OSHA, No. 21-60845 (5th Cir. Nov. 12, 2021) (staying enforcement of the mandate pending judicial review prior to lottery).

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**TO THE HONORABLE BRETT M. KAVANAUGH, ASSOCIATE
JUSTICE OF THE SUPREME COURT OF THE UNITED STATES AND
CIRCUIT JUSTICE FOR THE SIXTH CIRCUIT;**

Applicant, Aaron Abadi, hereby respectfully requests an immediate stay pending full judicial review of the Occupational Safety & Health Administration's emergency temporary standard ("ETS") entitled COVID-19 Vaccination and Testing, 86 Fed. Reg. 61402 (Nov. 5, 2021) (Appendix Page 60), SPECIFICALLY AND EXCLUSIVELY WITH REGARD TO THOSE WHO ALREADY HAD THE COVID VIRUS, and thus now have NATURAL IMMUNITY. Requiring someone who already has equal or better immunity to those that are vaccinated, to go out and get vaccinated or not have a job, is arbitrary and capricious.

JURISDICTION

This case has been before the 6th Circuit Court of Appeals. On November 17, 2021, the Circuit Court Judges ruled against the stay originally granted by the 5th Circuit, and dissolved it (Appendix Page 3).

This Court has jurisdiction pursuant to 28 U.S.C. § 2101(f) and authority to grant the requested relief under 28 U.S.C. § 1651(a).

PROVISIONS, STATUTES, & REGULATIONS

COVID-19 Vaccination and Testing, 86 Fed. Reg. 61402 (Appendix Page 60)

STATEMENT OF FACTS

1. On September 9, 2021, President Biden announced his intent to impose a nationwide vaccination mandate. After previously refusing to mandate vaccinations, the Occupational Safety and Health Administration (“OSHA”), on November 5, 2021, issued the President’s requested vaccination mandate in the form of an emergency temporary standard. 86 Fed. Reg. 61,402.

2. The ETS mandated that all employers with 100 or more employees “develop, implement, and enforce a mandatory COVID-19 vaccination policy” and required such employers to force workers who refuse to provide proof of vaccination to “undergo [weekly] COVID-19 testing and wear a face covering at work in lieu of vaccination.” 86 Fed. Reg. 61,402, 61,520.

3. The ETS mandate does not differentiate between those that already had Covid, and thus have natural immunity, and those that never has Covid. Everyone who was not vaccinated will be denied employment.

4. Applicant states that he was infected with Covid in October 2020, and since then is fully recovered. Applicant states that he was exposed multiple times to family members with Covid, but was never reinfected. The CDC says on their website (Appendix page 214), that “COVID REINFECTION REMAINS RARE.”

5. On the other hand, the CDC says on their website that “VACCINE BREAKTHROUGH INFECTION ARE EXPECTED.” (Appendix Page 216) There’s

much debate through anecdotal evidence if vaccines are more protective, or if natural immunity is stronger.

6. Applicant states that he is not opposed to vaccinations in general. He advised all four of his children to get the Covid vaccines and he himself is fully vaccinated with all vaccines recommended by his physicians throughout the years.

7. Applicant states that upon speaking to his doctor, he was told that since he already had Covid and thus has natural immunity, he does not need to get the vaccine.

8. The Vaccine Adverse Event Reporting System "VAERS" tracks adverse events for all vaccines, and has received extensive reports of various adverse events caused by the Covid 19 vaccines. The Center for Disease Control (CDC), the U.S. Food and Drug Administration (FDA), and other federal agencies are monitoring the safety of COVID-19 vaccines. There are pretty high statistics showing adverse reactions and worse from the Covid vaccines, much higher than other vaccines. Unfortunately, the data is not fully vetted, so Applicant will not overwhelm the Court with excess data. That is the nature of the VAERS process, unfortunately.

9. On CDC website it states the Covid reinfection is rare. There has been an international discussion as to which is a better protection against Covid, natural immunity or a vaccine. The CDC continues to recommend vaccines to those who recovered from Covid, based on a study from Kentucky with only 492 participants (Appendix Page 220). The study suggests that a person with natural immunity is

twice as likely to get Covid again than a person who is fully vaccinated. In either case the amount is relatively small.

10. There's a study from Israel (Appendix Page 223) that processed a data sample equal to 26% of the country, which would equal over two million people, and this study shows that natural immunity is many times more protective, and for much longer than the vaccines. The Study concludes, "those vaccinated are still at a 5.96-fold increased risk for breakthrough infection and at a 7.13-fold increased risk for symptomatic disease compared to those previously infected." Both studies were not yet peer reviewed. Clearly, the study with the much larger data sample should be more accurate. It is hard for the Applicant to believe that the CDC relied on such a miniscule data sample, in lieu and in opposition to studies with larger data.

11. Applicant is currently unemployed, and no longer receiving unemployment checks from the Department of Labor since September 5, 2021 (Appendix Page 255).

12. Applicant chooses not to get vaccinated, as Applicant recognizes that there are adverse events and side effects related to receiving the vaccine. Being that there isn't adequate evidence that the vaccine will help the Applicant in any way, Applicant feels there is no reason for him to take the risks related to the vaccine, even if they are minimal, or limited.

13. With regard to his own children, Applicant made a mathematical decision, weighing the risks associated with possibly getting Covid, versus the risks

associated from adverse effects from the vaccine. All four of his children are fully vaccinated. At the time, none had previously been sick with the virus.

14. Applicant already had Covid before the vaccines were available, and therefore does not choose to get vaccinated himself.

ARGUMENTS

15. **FOURTEENTH AMENDMENT, DUE PROCESS:** Plaintiff claims that being that he already had Covid, he should not be subject to such rules and that he should be treated the same as someone who was vaccinated. In Israel someone who has natural immunity has been treated the same as a person who was vaccinated. Plaintiff presents here that by requiring vaccination in order to get a job, Respondent is violating the Plaintiff's Constitutional Rights under the Fourteenth Amendment.

16. "Respondents' "substantive due process" claim relies upon our line of cases which interprets the Fifth and Fourteenth Amendments' guarantee of "due process of law" to include a substantive component, which forbids the government to infringe certain "fundamental" liberty interests at all, no matter what process is provided, unless the infringement is narrowly tailored to serve a compelling state interest." *Reno v. Flores*, 507 US 292 - Supreme Court 1993 (see cases quoted therein). Plaintiff's constitutional right to bodily integrity is impinged by the ETS.

17. The ETS is clearly an attempt to coerce everyone, even those with natural immunity to get vaccinated. Being that this is not really necessary for those

recovered from Covid for the emergency purpose, and has no provable health benefits or protections against Covid, coercing and requiring Plaintiff to get vaccinated is a violation of his rights under the Constitution. The ETS should be NARROWLY TAILORED to exclude those with natural immunity.

18. The United States Constitution guarantees that government shall not deprive any person of life, liberty, or property without due process of law, U.S. CONST. amend. XIV § 1, and forbids the government to infringe certain fundamental liberty interests at all, no matter what process is provided. *Reno v. Flores*, 507 U.S. 292, 301-02 (1993). This ETS does not serve any compelling interest with respect to requiring those with natural immunity to get vaccinated.

19. **FORCIBLE INJECTION IS AN INTERFERENCE IN A PERSON'S LIBERTY.** The Supreme Court has recognized that the Ninth and Fourteenth Amendments protect an individual's right to privacy. A "forcible injection ... into a nonconsenting person's body represents a substantial interference with that person's liberty[.]" *Washington v. Harper*, 494 U.S. 210, 229 (1990). It is ironic that nowadays, the biggest proponents for freedom of choice, are now some of the most outspoken advocates to take away those freedoms in respect to vaccines.

20. **NATURAL IMMUNITY VERSUS VACCINE IMMUNITY:** Plaintiff is naturally immune to SARS-CoV-2. Therefore, Plaintiff is at least as equally situated as to not be considered a health risk, as those who are fully vaccinated with a COVID-19 vaccine, yet Defendants deny Plaintiff equal treatment and seek to

burden Plaintiff with an unnecessary violation of bodily integrity to which Plaintiff does not consent in order to be allowed to apply for a job.

21. Plaintiff claims that this ETS denies his rights to Equal Protection under the Constitution. Plaintiff is the same or more immune to the Covid disease than a vaccinated individual, yet the vaccinated individual can take any job, while Plaintiff is severely limited by this Order.

22. With the respect to the Court, I will not overflow this motion with hundreds of studies, articles, and opinions in each direction. Suffice it to say that the both sides agree that the risk from a vaccinated person and from a person who previously had Covid are significantly reduced, almost to the same levels. I attached just two more studies that describe some of the varied data showing that Covid reinfection is rare, exactly as the CDC themselves confirm. One is from the University of Missouri (Appendix Page 256) showing Covid reinfection much less common than vaccine breakthrough infections. The other is from the CDC website (Appendix Page 264) that is based on a study of over 75,000 people in Italy. The findings were that Covid reinfection rate was about 0.31%. That is certainly a much lower rate of infection than the vaccine breakthrough infections. As the CDC says, "Covid reinfection is rare."

23. It is questionable why the CDC decided to make recommendations based on a Kentucky study of under 500 people in light of the more extensive studies from Italy and Israel with so much larger data samples. When working with statistics on a data sample that is so small, it is very difficult to be anywhere

near accurate. I asked the CDC this question straight out in several emails (Appendix Page 276), and their response was that they do not have enough evidence to make a determination. Because they don't have evidence on the length of the natural immunity protection, they are prepared to take away millions of people's jobs, and/or their constitutional rights. Without evidence that I may be a health risk more than the vaccinated, and with the evidence that the Italian and Israeli studies show, that I am protected many times stronger than with vaccines, OSHA has no Constitutional rights to ban me from working.

24. Even Dr. Anthony Fauci, Director of NIH, (Appendix Page 281) agrees that natural immunity is significant enough, and says that the only reason they would suggest also getting a vaccine, is because they are still not sure how long the immunity will last. With all due respect, we don't either know how long vaccine immunity will last. Evidence is showing from Israel, who were the first to be vaccinated in very high percentages, that the vaccine does not last nearly as long as we had hoped and most people in Israel already received their third shot of the vaccine. So far, natural immunity is outlasting vaccine immunity significantly.

25. In any case, the ETS should exclude those with natural immunity in its restrictions, until and unless the data changes at some point, proving that the natural immunity has weakened significantly in a study based on a large reliable data sample that is peer reviewed. Until that point, it is just conjecture, leaving me to believe that it may be politically motivated.

26. **NO DATA THAT VACCINE WILL ADD TO NATURAL IMMUNITY:** THERE IS NO PEER REVIEWED DATA SHOWING THAT VACCINATING SOMEONE WITH NATURAL IMMUNITY WILL PROVIDE INCREASED PROTECTION: That is all conjecture at this point. There is also not adequate evidence that when giving someone who already had Covid, a vaccine, that it will take away his or her natural immunity. I think when the evidence is available and reliable, OSHA and others can rethink public policy. Until that time, my rights are clear, and OSHA does not have the right to take my rights away.

27. A study by the Cleveland Clinic (Appendix Page 291) on over 50,000 people proved that “the cumulative incidence of SARS-CoV-2 infection remained almost zero among previously infected unvaccinated subjects, previously infected subjects who were vaccinated, and previously uninfected subjects who were vaccinated, compared with a steady increase in cumulative incidence among previously uninfected subjects who remained unvaccinated.”

28. **ARBITRARY & CAPRICIOUS:** In light of the above information, facts, and statements, Petitioner declares that by including the requirement for those with natural immunity to get vaccinated, Respondent’s ETS vaccine mandate meets the standards of arbitrary and capricious, and should be set aside or revised.

29. **ALLOWING DISCRETION HERE MEANS WE HAVE NO RIGHTS AT ALL:** Federal agencies normally have a certain discretion permitted by the law and the courts. There must be a limit to their discretion, or the American people have no rights at all. Here we have an agency using its discretion to expand

its reach beyond workplace safety & health. Then added to that they expand their discretion to take a situation that may not be grave danger, and turn it into grave danger, touting “discretion.” Technically, they can stop all fast food chains, saying in their discretion they are shutting them all down, because hundreds of thousands of people die each year from heart disease. They can shut all the roads due to accidents. They can shut down all flights, except private jets to go to environmental conferences.

30. It’s all the same. In each case there are thousands of deaths a year related to those situations; the federal government can use its “discretion” to shut it down. If that were true, then we have no rights at all. Pack up the constitution and ship it off to Guam.

31. Obviously, the Constitution and its rights cannot be discarded. The federal government needs to prove a reasonable “grave danger” scenario, or they need to quit. They can use discretion to determine which grave danger is most important to address, but they cannot use their discretion, without oversight, to determine what is grave danger.

32. I don’t believe they should be able to call Covid grave danger, as it is certainly upsetting, and I know several people that passed away, but now, with vaccine choices, and therapeutics, it’s nowhere near as severe. But for the purposes of this motion, there should be no right for OSHA to use the discretion excuse to take approximately one third of the American people who have solid natural

immunity, and say you need to get vaccinated. That would clearly show that we have no rights. That wouldn't work well in countries with dictators.

33. This is not a medical debate here, where I am asking the Court to make a medical decision. This is a debate about human rights. If the federal government has free reign to make any determinations and call it "grave danger," then we are all in grave danger!

34. MEETING STANDARDS TO GRANT MOTION: The Supreme Court looks at the following when addressing an emergent motion: Case law has established four general criteria that the applicant normally must satisfy in order for the Court to grant a stay or injunction. They are:

- a.** that there is a "reasonable probability" that four Justices will grant certiorari, or agree to review the merits of the case;
- b.** that there is a "fair prospect" that a majority of the Court will conclude upon review that the decision below on the merits was erroneous;
- c.** that irreparable harm will result from the denial of the stay;
- d.** finally, in a close case, the Circuit Justice may find it appropriate to balance the equities, by exploring the relative harms to the applicant and respondent, as well as the interests of the public at large.

35. APPLICANT HAS A HIGH LIKELIHOOD OF SUCCEEDING ON THE MERITS. The decision to treat people with natural immunity exactly the same as those without any vaccination that never had the disease, is clearly arbitrary and capricious, especially since most of the data shows that natural

immunity is significantly more protective than any vaccine, and it lasts much longer. Forcing a person to take a medical treatment without their consent and without a real emergency need, is a violation of their constitutional rights.

36. **APPLICANT WILL BE IRREPARABLY HARMED.** If the ETS is not stayed, Applicant will face financial burdens that will never be recouped, in addition to emotional pain and stress. “Indeed complying with a regulation later held invalid almost always produces the irreparable harm of nonrecoverable compliance costs.” *Texas v. U.S. Environmental Protection Agency*, 829 F.3d 405, 433 (5th Cir. 2016) (quoting *Thunder Basin Coal Co. v. Reich*, 510 U.S. 200, 220–21 (1994) (Scalia, J., concurring in part and concurring in the judgment)). When considering this prong, “it is not so much the magnitude but the irreparability that counts.” *Enter. Int’l v. Corporacion Estatal Petrolera Ecuatoriana*, 762 F.2d 464, 472 (5th Cir.1985) (quoting *Canal Authority v. Callaway*, 489 F.2d 567, 575 (5th Cir. 1974)).

37. **THE FEDERAL GOVERNMENT WILL NOT BE SUBSTANTIALLY HARMED.** Under the third prong, the federal government will not suffer any harm from a stay that is specific to people with natural immunity, as those people, which make up about a third of the population, will have at least as low of a probability of getting Covid as those that are vaccinated. If the goal is to attempt to curb and control the spread of the disease, there’s not much difference between being vaccinated and having natural immunity.

38. Countries like Israel, who have been on the forefront of vaccine coercion, as they do not have a working written constitution, treat people with natural immunity the same as those that are vaccinated. If we are following the science, this should be clear. If, however, this is all politically motivated, then possibly the federal government would be harmed politically. That being said, an agency like OSHA should not be creating ETS's that are politically motivated, and this court should not and would not approve such an order if it was based in politics and not exclusively health driven.

39. **A STAY WILL PROMOTE THE PUBLIC INTEREST.** Under the final prong, the public interest favors a stay. There "is generally no public interest in the perpetuation of unlawful agency actions." *State v. Biden*, 2021 U.S. App. LEXIS 24872, at *45, 10 F.4th 538 (5th Cir. 2021) (quoting *League of Women Voters of U.S. v. Newby*, 838 F.3d 1, 12 (D.C. Cir. 2016)). There is certainly no public interest in requiring people with natural immunity to vaccinate, when there's little scientific data showing any benefits, and when there's real data showing that natural immunity is much stronger than vaccine immunity. It is certainly not in the public interest for the petitioner and the third of Americans with natural immunity to be unemployed and/or unemployable.

40. The ETS contains some pretty cynical positions suggesting that this ETF is for the benefit of the unvaccinated. The unvaccinated all know that they have the option to vaccinate, as there were people knocking at their doors, billboards everywhere, emails, and phone calls almost daily. If the people choose not

to get vaccinated, the government should not be interfering to force them, especially and certainly for those of us that already had Covid.

RELIEF SOUGHT

Applicant, Aaron Abadi, hereby applies for an emergent order to STAY THE ETS WITH RESPECT TO THOSE THAT ALREADY HAD COVID AND THUS NOW HAVE NATURAL IMMUNITY...

CONCLUSION

WHEREFORE, petitioner requests this Court issue an order no later than MONDAY December 27, before the ETS becomes in effect, or as soon as physically possible, to provide the relief requested herein.

Respectfully submitted on December 21, 2021



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