

Lead Case No. 21-7000  
(Member Case Nos. 21-4027)

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**UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT**

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IN RE: MCP No. 165; OSHA RULE  
ON COVID-19 VACCINATION AND TESTING

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On Petitions for Review of an Emergency Temporary Standard from the  
Occupational Safety and Health Administration.

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**JOINDER IN RESPONSE**  
**TO THE GOVERNMENT'S MOTION TO DISMISS**

Petitioner Bentkey Services, LLC d/b/a The Daily Wire hereby joins Religious Petitioners' response (Dkt. 410) to the government's motion to dismiss (Dkt. 408). The Daily Wire does not object to dismissing the petitions based on mootness provided that the Court vacates its prior panel decision issued on December 17, 2021. *See United States v. Munsingwear, Inc.*, 340 U.S. 36, 39–40 (1950); *Fialka-Feldman v. Oakland Univ. Bd. of Trs.*, 639 F.3d 711, 716–17 (6th Cir. 2011).

Dated: February 4, 2022

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Respectfully submitted,

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## CERTIFICATE OF COMPLIANCE

1. This document complies with the type-volume limit of FED. R. APP. P. 27(d)(2)(A) because, excluding the parts of the document exempted by FED. R. APP. P. 32(f) and 6th Cir. R. 32(b), this document contains 77 words according to the word count function of Microsoft Word 365.

2. This document complies with the typeface requirements of FED. R. APP. P. 32(a)(5) and the type-style requirements of FED. R. APP. P. 32(a)(6) because this document has been prepared in a proportionally spaced typeface using Microsoft Word 365 in 14-point Century Schoolbook font.

*/s/ Ryan L. Bangert*

Date: February 4, 2022

## CERTIFICATE OF SERVICE

I hereby certify that on February 4, 2022, a true and accurate copy of the foregoing was electronically filed with the Court using the CM/ECF system. Service on counsel for all parties will be accomplished through the Court's electronic filing system.

*/s/ Ryan L. Bangert*

Date: February 4, 2022