

No. 21-12729

**In the United States Court of  
Appeals for the Eleventh Circuit**

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NORWEGIAN CRUISE LINE  
HOLDINGS LTD., ET AL.,

*Plaintiffs–Appellees,*

v.

STATE SURGEON GENERAL,

*Defendant–Appellant.*

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**RESPONSE TO PLAINTIFFS-APPELLEES’  
SUGGESTION OF MOOTNESS**

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ON APPEAL FROM THE  
UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA  
No. 1:21-cv-22492-KMW

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**CERTIFICATE OF INTERESTED PERSONS AND  
CORPORATE DISCLOSURE STATEMENT**

Defendant-Appellant certifies that the following is a complete list of interested persons as required by Federal Rule of Appellate Procedure 26.1 and Eleventh Circuit Rule 26.1:

1. Arrasas Ltd., an Isle of Man company, *Parent of NCL International, Ltd.*
2. Bergstrom, William V., *Attorney for Defendant/Appellant*
3. Burck, William A., *Attorney for Plaintiffs/Appellees*
4. Classic Cruises, LLC, *Parent of Seven Seas Cruises S. DE R.L. LLC*
5. Classic Cruises II, *Parent of Seven Seas Cruises S. DE R.L. LLC*
6. Cooper & Kirk, PLLC, *Attorneys for Defendant/Appellant*
7. Cooper, Charles J., *Attorney for Defendant/Appellant*
8. Cooper, Jonathan G., *Attorney for Plaintiffs/Appellees*
9. Del Rio, Frank J., *Declarant*
10. Ladapo, M.D., Ph. D., Joseph A., in his official capacity as State Surgeon General and Head of the Florida Department of Health, *Defendant/Appellant*
11. Laitamaki, Dr. Jukka, *Declarant*
12. Lander, Mark S., *Declarant*
13. Masterman, Joseph O., *Attorney for Defendant/Appellant*

14. NCL (Bahamas) Ltd., *Plaintiff/Appellee*
15. NCL Corporation Ltd., a Bermuda company, *Parent of Arrasas Ltd.*
16. NCL International, Ltd., a Bermuda company, *Parent of NCL (Bahamas) Ltd.*
17. Norwegian Cruise Line Holdings Ltd. (traded on the New York Stock Exchange under ticker symbol NCLH), *Plaintiff/Appellee*
18. O’Sullivan, John F., *Attorney for Plaintiffs/Appellees*
19. Oceania Cruises S. De R.L., *Plaintiff/Appellee*
20. Ostroff, Dr. Stephen, *Declarant*
21. Patterson, Peter A., *Attorney for Defendant/Appellant*
22. Prestige Cruise Holdings S. de R.L., a Panama limited liability company, *Parent of Oceania Cruises S. De R.L.*
23. Prestige Cruises International S. de R.L., a Panama limited liability company, *Parent of Oceania Cruises S. De R.L.*
24. Quinn Emanuel Urquhart & Sullivan, LLP, *Attorneys for Plaintiffs/Appellees*
25. Seven Seas Cruises S. DE R.L. LLC, *Plaintiff/Appellee*
26. Shaffer, Derek L., *Attorney for Plaintiffs/Appellees*
27. Treadwell, Raymond Frederick, *Attorney for Defendant/Appellant*
28. Varone, Nicholas A., *Attorney for Defendant/Appellant*

29. Vieira, Olga M., *Attorney for Plaintiffs/Appellees*
30. Williams, Judge Kathleen M., *District Court Judge*

Apart from the entities listed above, no publicly traded company or corporation has an interest in the outcome of this case or appeal.

Dated: October 14, 2022

/s/Charles J. Cooper  
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Defendant-Appellant State Surgeon General respectfully submits this response to the Suggestion of Mootness filed by Plaintiffs-Appellees Norwegian Cruise Line Holdings Ltd., NCL (Bahamas) Ltd., Seven Seas Cruises S. de R.L., and Oceania Cruises S. de R.L. (together, “Norwegian”).

Norwegian filed its Suggestion of Mootness on October 4. On October 6 this Court issued a published opinion vacating the district court’s preliminary injunction. By exercising its jurisdiction to decide the appeal after being apprised of Norwegian’s mootness concerns, this Court appears to have determined that this appeal is not moot. *See Brooks v. Ga. State Bd. of Elections*, 59 F.3d 1114, 1119 (11th Cir. 1995).

This Court’s implicit determination that this appeal is not moot is correct for several reasons, including that Norwegian indicates that it still reserves the right to deny boarding to guests who decline to present documentation certifying COVID-19 vaccination in certain circumstances (such as where a destination country requires it),<sup>1</sup> and that Norwegian states that it has rescinded its policy only “for now and the

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<sup>1</sup> *Will all guests be required to be vaccinated prior to the cruise?*, NORWEGIAN CRUISE LINE, <https://bit.ly/3MBdFKP> (last visited Oct. 14, 2022) (explaining that Norwegian’s newly altered policy “does not supersede country specific requirements”); *Travel Requirements By Country*, NORWEGIAN CRUISE LINE, <https://bit.ly/3rVR95X> (last visited Oct. 14, 2022) (explaining that “[g]uests may be denied boarding if all country specific requirements are not met”).

foreseeable future,” not permanently. Suggestion of Mootness ¶ 5. *See City of Erie v. Pap’s A.M.*, 529 U.S. 277, 287–88 (2000).

In light of the Court’s implicit determination that the appeal is not moot, we presume no further elaboration of these points is required. If the Court would desire additional briefing, we stand ready to provide it at the Court’s request.

Dated: October 14, 2022

Respectfully submitted,

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**CERTIFICATE OF COMPLIANCE**

I hereby certify that this brief complies with FED. R. APP. P. 27(d)(1)(E), 27(d)(2)(A), and 32(a)(5)–(6), and 11th Cir. R. 27-1 because it is proportionally spaced using 14-point Times New Roman font and contains 293 words.

Dated: October 14, 2022

/s/Charles J. Cooper  
Charles J. Cooper

*Counsel for Defendant-Appellant*

**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing with the Clerk of Court for the United States Court of Appeals for the Eleventh Circuit by using the appellate CM/ECF system on October 14, 2022. Participants in the case are registered CM/ECF users and service will be accomplished by the appellate CM/ECF system.

Dated: October 14, 2022

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Charles J. Cooper

*Counsel for Defendant-Appellant*