

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

CHIEF WARRANT OFFICER 4, et al.,

Plaintiffs-Appellees,

v.

No. 22-13522

SECRETARY OF THE U.S. DEPARTMENT OF
DEFENSE, et al.,

Defendants-Appellants.

**DEFENDANTS-APPELLANTS' STATUS REPORT PURSUANT TO
THE COURT'S ORDER OF JANUARY 23, 2023**

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

Pursuant to Eleventh Circuit Rule 26.1, counsel for defendants-appellants certifies that the following have an interest in the outcome of this appeal:

1. Austin, III, Lloyd J., U.S. Secretary of Defense
2. Avallone, Zach A.
3. Berger, David H., Commandant of the U.S. Marine Corps
4. Boynton, Brian M.
5. Captain
6. Captain 2
7. Captain 3
8. Carmichael, Andrew Evan
9. Carroll, Sarah
10. Chief Warrant Officer 3
11. Chief Warrant Officer 4
12. Clark, Sarah J.
13. Clendenen, Michael Patrick
14. Colonel Financial Management Officer
15. Coppolino, Anthony J.
16. Enlow, Courtney
17. First Lieutenant

18. Gannam, Roger K.
19. Gunnery Sergeant
20. Haas, Alexander K.
21. Handberg, Roger B.
22. Harrington, Sarah E.
23. Holland, Liam
24. Knapp, Cody T.
25. Lance Corporal 1
26. Lance Corporal 2
27. Lance Corporal 3
28. Liberty Counsel, Inc.
29. Lieutenant Colonel 1
30. Mast, Jr., Richard L.
31. Merritt, Robert Charles
32. Merryday, Hon. Steven D.
33. Midshipman 2/C
34. Mihet, Horatio G.
35. Porcelli, Anthony E. (mediator)
36. Powell, Amy E.
37. Reserve Lieutenant Colonel
38. Ross, Casen B.

39. Scarborough, Charles W.

40. Schmid, Daniel Joseph

41. Second Lieutenant

42. Snyder, Cassandra M.

43. Staver, Anita

44. Staver, Mathew D.

45. Sturgill Jr., Lowell V.

46. U.S. Department of Defense

47. U.S. Department of Justice

48. U.S. Marine Corps

49. Yang, Catherine

50. Various pseudonymous or unnamed members of the U.S. Marine Corps

No publicly traded company or corporation has an interest in the outcome of this appeal.

/s/ Sarah Carroll

Sarah Carroll

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This is an appeal from a classwide preliminary injunction that barred the Marine Corps from applying its now-rescinded COVID-19 vaccination requirement to any service member who was denied a religious exemption from the requirement after a chaplain found his or her religious beliefs to be sincerely held. The government filed a notice of appeal on October 14, 2022. On January 23, 2023, the Court granted the government's unopposed motion to hold the appeal in abeyance while the district court considers whether the Secretary of Defense's rescission of the vaccination requirement has mooted the underlying disputes. The Court's January 23

order instructed counsel “to file monthly status reports by the 15th of every month,” and the government submits this status report consistent with that instruction.¹

On January 18, 2023, the government moved in district court to dismiss the underlying actions as moot, decertify the class, and dissolve the preliminary injunctions, suggesting that the district court could issue an indicative ruling if necessary. *See* Dkt. No. 275. The same day, the government filed a motion to stay other proceedings in the case, including a trial that had been scheduled to begin on February 27, until the district court resolved issues of mootness. *See* Dkt. No. 276. On January 20, the district court issued an order temporarily staying discovery and case management deadlines and continuing the scheduled trial. *See* Dkt. No. 277. On February 1, plaintiffs filed a combined opposition to the government’s motions to dismiss and to stay the district court action. *See* Dkt. No. 281. On February 14, the government filed a supplemental memorandum in support of its motion to dismiss. *See* Dkt. No. 284. The district court has not yet issued a decision on the mootness issues that have been raised.

¹ The Court issued similar orders in *Navy SEAL 1 v. Secretary of Defense*, No. 22-10645 (11th Cir.), and *Captain v. Secretary of Defense*, No. 22-12029 (11th Cir.), and the government is likewise filing status reports in those appeals today.

Respectfully submitted,

CHARLES W. SCARBOROUGH

/s/ Sarah Carroll

SARAH CARROLL

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FEBRUARY 2023

CERTIFICATE OF SERVICE

I hereby certify that on February 15, 2023, I caused the foregoing to be filed with the Court using the appellate CM/ECF system, which constitutes service on all parties under the Court's rules.

/s/ Sarah Carroll

Sarah Carroll