

**IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

No. 22-11287

HEALTH FREEDOM DEFENSE FUND, INC.,
et al,

Plaintiffs-Appellees,

v.

JOSEPH R. BIDEN, JR., et al,

Defendants-Appellants.

_____ /

Appeal from the United States District Court
For the Middle District of Florida

**AGREED MOTION FOR ENLARGEMENT OF TIME
TO SUBMIT BRIEFS ON MOOTNESS RE: DOC 85**

Brant C. Hadaway, B.C.S.
Diaz, Reus & Targ, LLP
100 S.E. 2nd Street
Suite 3400
Miami, FL 33131
Tel: 305-375-9220
bhadaway@diazreus.com

Counsel for Plaintiffs/Appellees

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

Pursuant to Eleventh Circuit Rule 26.1-1(a)(3), the undersigned certifies that the following persons have or are believed to have an interest in the outcome of this appeal:

Becerra, Xavier

Beckenhauer, Eric B.

Biden, Jr., Joseph R.

Boynton, Brian M.

Cetron, Martin S.

Davillier Law Group, LLC

Daza, Ana Carolina

Freidah, Andrew F.

Gerardi, Michael J.

Hadaway, Brant C.

Hadaway, PLLC

Handberg, Roger B.

Health Freedom Defense Fund, Inc., a not-for-profit corporation (“HFDF”)

Klein, Alisa B.

Manookian, Leslie, President and Chairperson of HFDF

Mizelle, Honorable Kathryn Kimball, U.S. District Court Judge

Pezzi, Stephen M.

Pope, Sarah

Porcelli, Honorable Anthony E., U.S. Magistrate Judge

Seamon, Richard H.

Springer, Brian J.

United States of America

U.S. Centers for Disease Control and Prevention

U.S. Department of Health and Human Services

Walensky, Rochelle P.

Walker, Johnny H.

Wentz, Jr., George Robinson

Plaintiffs-Appellees, pursuant to Federal Rule of Appellate Procedure 26(b), respectfully move for an enlargement of time of 21 days in which to file briefs regarding mootness in response to this Court's Order dated April 11, 2023 [Doc. 85], and as good cause therefore state:

1. Pursuant to the Court's Order, the deadline to file briefs regarding mootness is currently May 2, 2023.

2. The undersigned is currently working on multiple pretrial briefing deadlines in a case pending in the Southern District of Florida, *Bancor Group, Inc., et al v. Gabina Rodriguez, et al*, Case No. 1:22-cv-20201-DPG. Under the current scheduling order in that case, dispositive motions and Daubert motions are due on April 15, 2023, and pretrial motions and motions in limine are due April 25, 2023.

3. The undersigned has pre-arranged plans to be out of town the weekend of April 28-30, 2023.

4. As a result, the undersigned will hardly have an opportunity to begin addressing the Court's Order until at or near the current deadline.

5. In addition, while H.J. Res. 7 terminated President Trump's declaration of a national emergency, 85 Fed. Reg. 15337, it is yet unclear whether Defendants/Appellants agree with this Court's conclusion that H.J. Res. 7 effectively terminated the public health state of emergency declared by the Department of Health and Human Services.

6. Because the Mask Order would only end upon termination of the HHS declaration of a public health emergency, *see* 86 Fed. Reg. at 8030, it is unclear at this point whether CDC will agree that the Mask Order has in fact been terminated. The undersigned awaits clarity on the Government's position.

7. As a consequence of the foregoing, the undersigned respectfully requests an enlargement of time of 21 days in which the Parties shall file briefs respecting mootness, making the new effective deadline May 23, 2023.

8. This motion is not brought for purpose of undue delay.

WHEREFORE, Plaintiffs/Appellees respectfully ask that the Court grant an enlargement of time of 21 days in which to file briefs on mootness pursuant to the Court's Order of April 11, 2023 [Doc. 85].

CERTIFICATE OF CONFERRAL

Pursuant to Eleventh Circuit Rule 27-1(a)(5), the undersigned has conferred with counsel for Defendants/Appellants, Brian Springer, via email. Mr. Springer stated in a reply that Defendants/Appellants agree to the relief sought herein.

/s/ Brant C. Hadaway
BRANT C. HADAWAY, B.C.S.

CERTIFICATE OF COMPLIANCE

I hereby certify that this Motion complies with the typeface and type-style requirement of Federal Rule of Appellate Procedure 32(a)(5)-(6) because it was prepared using Microsoft Word in Times New Roman 14-point font, a proportionally spaced typeface.

s/ Brant C. Hadaway
Brant C. Hadaway

CERTIFICATE OF SERVICE

I hereby certify that on April 13, 2023, I electronically filed the foregoing Motion with the Clerk of the Court for the United States Court of Appeals for the Eleventh Circuit via the Court's CM/ECF system, which will automatically serve all counsel of record via CM/ECF notice.

/s/ Brant C. Hadaway

BRANT C. HADAWAY, B.C.S.