

No. 22-30748

**United States Court of Appeals
for the Fifth Circuit**

State of Louisiana, et al.,

Plaintiffs–Appellees,

v.

Xavier Becerra, in his official capacity as Secretary of Health & Human
Services, et al.,

Defendants–Appellants.

On Appeal from the United States District Court
for the Western District of Louisiana
Case No. 3:21-cv-4370

**APPELLEE SANDY BRICK’S RESPONSE TO THE GOVERNMENT’S MOTION
TO VACATE DISTRICT COURT’S PERMANENT INJUNCTION AND REMAND
WITH INSTRUCTIONS TO DISMISS CASE AS MOOT**

Jacob Huebert
Liberty Justice Center
440 N. Wells Street, Suite 200
Chicago, Illinois 60654
312-263-7668
jhuebert@libertyjusticecenter.org

Sarah Harbison
Pelican Institute for Public Policy
400 Poydras St., Suite 900
New Orleans, LA 70130
504-952-8016
sarah@pelicaninstitute.org

*Attorneys for Appellee
Sandy Brick*

Unlike the State Appellees, Appellee Sandy Brick does *not* agree with the Defendants-Appellants that this case should be dismissed as moot. As Brick has explained in her appellate brief (Appellee Br. 16-34), the Court should not dismiss this case as moot because it falls under the mootness doctrine's exceptions for voluntary cessation and for government actions capable of repetition yet evading review. And because the case should not be dismissed as moot, the Court should deny Defendants' motion to vacate the district court's injunction.

Even if the Court were to dismiss this case as moot, it should nonetheless deny Defendants' motion to vacate for the reasons set forth in the State Appellees' brief, which Brick incorporates here by reference except as to mootness.

Dated: July 21, 2023

Respectfully submitted,

/s/ Jacob Huebert
Jacob Huebert
Liberty Justice Center
440 N. Wells Street, Suite 200
Chicago, Illinois 60654
312-263-7668
jjennings@libertyjusticecenter.org

Sarah Harbison
Pelican Institute for Public Policy
400 Poydras St., Suite 900
New Orleans, LA 70130
504-952-8016
sarah@pelicaninstitute.org

Attorneys for Appellee Sandy Brick

CERTIFICATE OF SERVICE

I certify that the foregoing response was electronically filed July 21, 2023, using the Court's CM/ECF system, which will provide a notice of electronic filing to all counsel of record.

/s/ Jacob Huebert

Jacob Huebert

Attorney for Appellee Sandy Brick

CERTIFICATE OF COMPLIANCE

I hereby certify that this brief complies with the type-volume limitation of Federal Rule of Appellate Procedure 27(d)(2) because it contains 352 words, excluding the parts that may be excluded.

I further certify that in compliance with the typeface requirements of Federal Rule of Appellate Procedure 27(d), this brief was prepared using Microsoft Word using Century Schoolbook 14-point font.

/s/ Jacob Huebert

Jacob Huebert

Attorney for Appellee Sandy Brick