

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

CASE NO. 8:21-cv-1693-KKM-AEP

HEALTH FREEDOM DEFENSE FUND,
INC., a Wyoming Not-for-Profit
Corporation, ANA CAROLINA DAZA, and
SARAH POPE, individuals,

Plaintiffs,

vs.

JOSEPH R. BIDEN, JR., President of the
United States; XAVIER BECERRA, Secretary
of Health and Human Services, in his official
capacity; THE DEPARTMENT OF HEALTH
AND HUMAN SERVICES; THE CENTERS
FOR DISEASE CONTROL; ROCHELLE P.
WALENSKY, MD, MPH, Director of the
Centers for Disease Control and Prevention,
in her official capacity; and MARTIN S.
CETRON, MD, Director, Division of Global
Migration and Quarantine, Centers for
Disease Control and Prevention, in his
official capacity; The UNITED STATES OF
AMERICA,

Defendants.

RESPONSE TO ORDER TO SHOW CAUSE [D.E. 22]

Plaintiffs, by and through their undersigned counsel, respectfully file this
Response to the Court's Order to Show Cause [D.E. 22], and state:

1. On September 17, 2021, the undersigned reached out to Defendants'
counsel, Stephen Pezzi, regarding the scheduling of a Civil Case Management
Conference.

2. Mr. Pezzi replied on September 20, 2021 that Defendants' view is that there is no need for a civil case-management conference in this case because it presents "an action for review on an administrative record," pursuant to Local Rule 3.02(d)(2).

3. The undersigned agreed that this seemed correct. This case primarily presents questions of law that are likely to be determined based on an administrative record.

4. After receiving the Court's Order to Show Cause, the undersigned reached out to Mr. Pezzi to reconfirm Defendants' agreement via email. Mr. Pezzi replied confirming that Defendants do so agree.

5. The undersigned apologizes to the Court for having overlooked the fact that it probably would have been well-advised to report the parties' agreement on this matter to the Court, and respectfully asks that, should the Court disagree, that Plaintiffs be given additional time in which to convene a Joint Case Management Conference and prepare a Joint Scheduling Report.

Dated: October 15, 2021

Respectfully Submitted,

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