

# AG Fitch Files Second Challenge to the Biden Vaccine Mandates and Fifth Circuit Stays Mandate in Response

*Fitch joined by the Gulf Coast Restaurant Group and the Mississippi Justice Institute*



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*Lynn Fitch*

On Friday, November 5, Attorney General Lynn Fitch filed a petition for review with the Fifth Circuit Court of Appeals challenging the Biden vaccine mandate published that same day by the federal Occupational Safety and Health Administration (OSHA) as an Emergency Temporary Standard.

“In the President’s own announcement of this misguided mandate, he notes that 70 percent of adult Americans are fully vaccinated,” **said Attorney General Lynn Fitch.** “The number of new cases, hospitalizations, and deaths continues to drop. But President Biden is blindly determined to reach 100% vaccination, regardless of the cost in jobs, economic growth, and liberty. President Biden’s vaccine mandates are an affront to foundational American principles, and I will continue to fight them in court.”

The petition was filed by Attorney General Fitch, as well as Attorneys General from Texas, Louisiana, South Carolina, and Utah and seven private employers who would be impacted by the mandate, including Gulf Coast Restaurant Group in Mississippi, which is represented by the Mississippi Justice Institute (MJI).

Emergency Temporary Standards (ETS) were established to allow for quick regulatory response when OSHA can demonstrate that workers are exposed to a grave danger in the workplace – a standard Attorney General Fitch argues was misapplied by the Biden Administration here. While an ETS may bypass standard notice and comment requirements that allow the American people input, it may also be challenged directly at the circuit court of appeals.

On Saturday, in response to this petition and others, a panel of the Fifth Circuit Court of Appeals stayed the mandate pending further action by the court, finding, “the petitions give cause to believe there are grave statutory and constitutional issues with the Mandate.”

“We are grateful that the court recognized the serious constitutional concerns raised by this mandate and has stayed its enforcement pending further review,” **said MJI Director, Aaron Rice.** “We will continue fighting to put a permanent stop to this unprecedented federal overreach.”

“We are delighted to hear this news from the court,” **said Kevin Fish, Vice President of Gulf Coast Restaurant Group.** “We know that hard-working Mississippians who we worried about potentially losing their jobs can take a huge sigh of relief.”

“I encourage everyone to consider vaccination,” **continued Fitch,** “but the decision is yours and the President should not force anyone to vaccinate for fear of losing their jobs, especially not on the cusp of the holidays. I appreciate Gulf Coast Restaurant Group and the Mississippi Justice Institute standing with me on behalf of the 84 million American workers who will be impacted by this mandate.”

The mandate at issue here imposes a requirement that all employers with 100 or more employees ensure all employees are either vaccinated or tested on at a least a weekly basis. In addition, Attorney General Lynn Fitch filed a complaint on Thursday, with the Attorneys General of Louisiana and Indiana, challenging the mandate that all federal contractors or subcontractors be vaccinated.



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