

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA**

NORWEGIAN CRUISE LINE)
HOLDINGS LTD., a Bermuda Company;)
NCL (BAHAMAS) LTD., d/b/a)
NORWEGIAN CRUISE LINE, a Bermuda)
Company; **SEVEN SEAS CRUISES**, a)
Panama Limited Liability Company;)
OCEANIA CRUISES S. DE R.L., d/b/a)
OCEANIA CRUISES, a Panama Limited)
Liability Company,) Case No.: 1:21-cv-22492
))
Plaintiffs,)
))
v.)
))
SCOTT A. RIVKEES, M.D., State)
Surgeon General and Head of the Florida)
Department of Health, in his official)
capacity,)
Defendant.)
)

DECLARATION OF NICHOLAS A. VARONE

I, Nicholas A. Varone, declare as follows:

1. I am an attorney at the law firm of Cooper & Kirk, PLLC, counsel for Defendant. I submit this Declaration in support of the authenticity of the exhibits attached hereto, each of which is referenced in support of Defendant's memorandum of law in opposition to Plaintiffs' motion for a preliminary injunction being filed herewith.

2. Attached hereto as Exhibit 1 is a true and correct PDF copy of the news article Joe Roetz, *Disney Dream Cruise Ship Embarks on Simulated Voyage with Employees as Volunteers*, 7 NEWS MIAMI (July 18, 2021), <https://bit.ly/3kJkTRf>.

3. Attached hereto as Exhibit 2 is a true and correct PDF copy of the news article Steve King, *Royal Caribbean Begins Simulated Voyage Ahead of Resuming Passenger Cruises*, 25 WPBF NEWS (June 21, 2021), <https://bit.ly/3xYDa0w>.

4. Attached hereto as Exhibit 3 is a true and correct PDF copy of the news article Johanna Jainchill, *CDC Approves 10 Cruise Ships for Test and Revenue Sailings*, TRAVEL WEEKLY (June 3, 2021), <https://bit.ly/3ix4rk6>.

5. Attached hereto as Exhibit 4 is a true and correct PDF copy of the news article Hannah Sampson, *Norwegian Threatens to Pull Cruise Ships from Florida Over DeSantis Vaccine Passport Ban*, WASH. POST (May 7, 2021), <https://wapo.st/3xSzXja>.

6. Attached hereto as Exhibit 5 is a true and correct PDF copy of the news article Richard Tribou, *Norwegian Cruise Line to Start Florida Sailings in August with Vaccine Requirement for Now*, ORLANDO SENTINEL (June 7, 2021), <https://bit.ly/3zBZ8H5>.

7. Attached hereto as Exhibit 6 is a true and correct PDF copy of the news article Brittany Chang, *A Major Cruise Line Just Dropped its Vaccine Requirement for Cruises Leaving from Florida*, INSIDER (June 24, 2021), <https://bit.ly/3hS9Ind>.

8. Attached hereto as Exhibit 7 is a true and correct PDF copy of Carnival Cruise Line's current *Covid-19 Guest Protocols*, available on Carnival's website at <https://bit.ly/3BoxXkH> (last visited July 27, 2021).

9. Attached hereto as Exhibit 8 is a true and correct copy of *Proposed Vaccination Goals in Support of Cruise Resumption (April 26, 2021)*, a document that Aimee Treffiletti, of the U.S. Centers for Disease Control and Prevention's ("CDC") Global Migration Task Force Maritime Unit, declared under penalty of perjury to be a vaccination statement submitted to the CDC by cruise line representatives. *See* Decl. of Captain Aimee Treffiletti, Department of Health

and Human Services, Centers for Disease Control and Prevention ¶ 60, *Florida v. Becerra*, No. 8:21-cv-839, Doc. 31-1 (M.D. Fla. May 5, 2021).

10. Attached hereto as Exhibit 9 is a true and correct copy of excerpts from the transcript of the hearing on Florida's motion for a preliminary injunction in *Florida v. Becerra*, No. 8:21-cv-839, Doc. 47 (M.D. Fla. May 12, 2021).

11. Attached hereto as Exhibit 10 is a true and correct PDF copy of MSC Cruises' *What to Know Before You Go* guidelines, available on MSC's website at <https://bit.ly/3inBUgI> (last visited July 27, 2021).

12. Attached hereto as Exhibit 11 is a true and correct PDF copy of Indiana's Public Data Utility's chart showing the median age of the population in each state in 2020. *Median Age in 2020*, STATSINDIANA, <https://bit.ly/2V81C0J> (last visited July 27, 2021).

13. Attached hereto as Exhibit 12 is a true and correct PDF copy of the CDC's *Covid Data Tracker*, CDC, <https://bit.ly/3kHaipQ> (last visited July 27, 2021).

14. Attached hereto as Exhibit 13 is a true and correct copy of a May 11, 2021 letter that Aimee Treffiletti, of the CDC's Global Migration Task Force Maritime Unit, declared under penalty of perjury to be a letter from the Cruise Lines International Association ("CLIA") that discusses, in part, COVID-19 vaccines. *See* Third Decl. of Captain Aimee Treffiletti, Dep't of Health and Human Servs., Centers for Disease Control and Prevention ¶ 33, *Florida v. Becerra*, No. 8:21-cv-839, Doc. 96-1 (M.D. Fla. July 6, 2021).

15. Attached hereto as Exhibit 14 is a true and correct PDF copy of the section of the CLIA's website listing its member cruise lines. *CLIA Cruise Lines*, CLIA, <https://bit.ly/36WYCHq> (last visited July 27, 2021).

16. Attached hereto as Exhibit 15 is a true and correct PDF copy of the section of the CLIA's website listing the members of its Global Executive Committee. *CLIA Global Executive Committee*, CLIA, <https://bit.ly/3kSNbIT> (last visited July 27, 2021).

17. Attached hereto as Exhibit 16 is a true and correct copy of the Suppl. Decl. of Captain Aimee Treffiletti, Dep't of Health and Human Services, Centers for Disease Control and Prevention, submitted in *Florida v. Becerra*, No. 8:21-cv-839, Doc. 72-1 (M.D. Fla. June 7, 2021).

18. Attached hereto as Exhibit 17 is a true and correct copy of a Mem. of Agreement between Miami-Dade County and Norwegian Cruise Line Holdings Ltd. dated June 2, 2021. Plaintiffs' counsel represented to Defendant's counsel that this document was what Norwegian sent CDC when applying for a Conditional Sailing Certificate, and that Exhibit 3 specifically contains the vaccination plan.

19. Attached hereto as Exhibit 18 is a true and correct PDF copy of the press release *Cruise Lines International Association (CLIA) Issues Statement Reiterating Its Call for the Lifting of the CDC's Conditional Sailing Order (USA)*, CLIA (Apr. 5, 2021), <https://bit.ly/3zBBs5A>.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 27, 2021


NICHOLAS A. VARONE