IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

STATE OF FLORIDA, Plaintiff, v. XAVIER BECERRA, Secretary of Health and Human Services, in his official capacity; HEALTH AND HUMAN SERVICES; ROCHELLE WALENSKY, Director of Centers for Disease Control and Prevention, in her official capacity; CENTERS FOR DISEASE CONTROL AND PREVENTION; UNITED STATES OF AMERICA, Defendants.	)	Case No. 8:21-CV-839-SDM-AAS

WITHDRAWAL OF STATE OF ALASKA'S
MOTION TO INTERVENE

The State of Alaska hereby withdraws its pending Amended Motion to Intervene.[1] As explained in its Amended Motion to Intervene, Alaska is subject to the unique requirements of the Alaska Tourism Restoration Act

[1] This morning, this Court deferred decision on Alaska's Amended Motion to Intervene in light of the CDC's appeal to the 11th Circuit. Dkt. 99. However, this Court retains jurisdiction to allow Alaska to withdraw its motion to intervene. *See Weaver v. Florida Power & Light Co.*, 172 F.3d 771, 773 (11th Cir. 1999) ("The general rule regarding divestiture of jurisdiction . . . does not apply to collateral matters not affecting the questions presented on appeal.").

that cruise ships visiting Alaska during 2021 must obtain a Conditional Sailing Certificate from the CDC and abide by all conditions of it.[2] At the time of filing the Amended Motion, the CDC had yet to approve any port agreements for Alaska or issue any Conditional Sailing Certificates for Alaska-bound vessels.[3] But two days ago the CDC filed an affidavit stating that it has approved port agreements for four Alaskan ports, in addition to the port of Seattle, that conditional sailing certificates have been issued for five vessels sailing out of Seattle on Alaska-bound cruises, and that an additional vessel scheduled for Alaska-bound cruises has been approved for a simulated voyage out of Seattle.[4] Given these changed circumstances, the State of Alaska withdraws its pending motion for permissive intervention under Federal Rule of Civil Procedure 24(b).

Alaska remains firm in its disagreement with the CDC's legal position, and reserves the right to request leave to file briefs of *amicus curie* in support of Florida both in this Court and in the Eleventh Circuit, as appropriate.

Counsel for the State of Alaska has consulted with counsel for plaintiff and defendant and neither party opposes this withdrawal.

---

2 *See* Alaska Tourism Restoration Act P.L. 117-14, 135 Stat. 273 (May 24, 2021).

3 *See* State of Alaska's Amended Motion to Intervene (Dkt. 68) at 12-13.

4 *See* Third Declaration of Captain Aimee Trefiletti (Dkt. 96-1) at ¶¶17, 18, 21.

DATED July 8, 2021.

TREG R. TAYLOR
ATTORNEY GENERAL

By: */s/Lael A. Harrison*
Lael A. Harrison
Assistant Attorney General
Alaska Bar No. 0811093
(Pro Hac Vice)

By: */s/Jessica M. Alloway*
Jessica M. Alloway
Assistant Attorney General
Alaska Bar No. 1205045
(Pro Hac Vice)
1031 West Fourth Avenue,
Suite 200
Anchorage, AK 99501
Telephone: (907) 269-5275
Facsimile: (907) 276-3697
Email: lael.harrison@alaska.gov
Email: jessie.alloway@alaska.gov

Attorneys for the State of Alaska

CERTIFICATE OF SERVICE

I certify that on this 8th day of July, 2021 a true and correct copy of the foregoing was filed with the Court's CM/ECF system, which provides notice to all parties.

/s/ Lael A. Harison
Lael A. Harrison