

No. 21-12243

**IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

STATE OF FLORIDA,
Plaintiff-Appellee,

v.

XAVIER BECERRA, SECRETARY OF HEALTH

AND HUMAN SERVICES, *et al.,*

Defendants-Appellants.

On Appeal from the United States District Court for the
Middle District of Florida (Hon. Steven D. Merryday)
(Case No 8:21-cv-00839-SDM-AAS)

**UNOPPOSED MOTION TO FILE BRIEF OF *AMICUS CURIAE*
BY MARC S. YOUNG IN SUPPORT OF STATE OF FLORIDA**

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Pro Se Amicus

CERTIFICATE OF INTERESTED PERSONS
AND CORPORATE DISCLOSURE STATEMENT

The undersigned certifies that the following listed persons and entities, as described in Eleventh Circuit Rule 26.1-2(a) have an interest in the outcome of this case:

Alaska, State of

Alloway, Jessica M.

American Society of Travel Advisors

Becerra, Xavier

Beckenhauer, Eric

Florida, State of

Fuchs, Kimberly

Harrington, Sarah E.

Harrison, Lael A.

Harvey, Jr., David S.

Hilborn, Jason H.

Holland, Liam

Holland & Knight LLP

Holtzman Vogel Baran Torchinsky & Josefiak PLLC

Kercher, Ryan G.

Klein, Alisa B.

Lewis Brisbois Bisgaard & Smith LLP

Lobasso, Peter N.

Merryday, Honorable Steven D., U.S. District Court Judge

Office of the Attorney General of Alaska

Office of the Attorney General of Florida

Office of the Attorney General of Texas

Patel, Anita J.

Percival, II, J arnes Hamilton

Porcelli, Anthony E.

Powell, Amy

Sansone, Honorable Amanda Arnold, U.S. Magistrate Judge

Schouest, Bamdas, Soshea & BenMaier PLLC

Springer, Brian J.

Stockel, Eric J.

Texas, State of

U.S. Centers for Disease Control and Prevention

U.S. Department of Health and Human Services

United States of America

Varner, III, Joseph H.

Walensky, Rochelle

Wenger, Edward

Young, Marc S.

Also

Cooper, Jonathan, G.

Oceania Cruises S. De R.L., d/b/a Oceania Cruises

NCL (Bahamas) Ltd., d/b/a Norwegian Cruise Line

Norwegian Cruise Line Holdings Ltd (“NCLH”)

O’Sullivan, John F.

Quinn Emanuel Urquhart & Sullivan, LLP

Seven Seas Cruises S. De R.L., d/b/a Regent Seven Seas Cruises

Shaffer, Derek L.

Vieira, Olga

Respectfully submitted this 16th day of July 2021.

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Marc S. Young, P.E. respectfully seeks leave to file the attached *amicus curiae* brief in limited support to the Appellants' motion for to appeal the preliminary injunction of the Order for a Preliminary Injunction by Judge Merryday. Marc S. Young, is a retired but still active engineer and world traveler, whose preference has been to travel via cruise lines with his wife and her friend. He has an interest in this appeal because the Center for Disease Control and Prevention's "No Sail Order(s)" and "Framework for Conditional Sailing and Initial Phase COVID-19 Testing Requirements for Protection of Crew" ("Conditional Sailing Order" Fed Reg 70153-01 (Nov. 4, 2020) and the related regulations (enjoined below as to Florida) directly impacts scheduled future cruises he has reserved, on sailing from a Florida and Texas port. The proposed brief may be helpful to the court insomuch as it presents an extensive amount of research that Mr. Young has performed in review of international agreements and their implications to the issues raised in this case and an Constitutional Question that up to now seems to have been ignored in this case.

Although not a lawyer, Mr. Young as an engineer is trained in research, scientific principles and his experience in legal matters related to this issue gives him some insight into the implications of this case and this appeal. He has submitted two *amicus* briefs to the District Court, one which was accepted and one rejected (most likely due to it late filing after oral arguments). Mr. Young

has an intimate knowledge of this case, from his interaction with the same DOJ attorney who argued the government's case in this District Court case and in his District Court Case. He was in attendance in both original oral argument hearings in the Tampa District Court, having traveled from Texas to Florida to attend.

There are both financial and personal right implications for Mr. Young in this case. His interests coincide with a large class of people not represented in this case, namely that of the cruise line world traveler. He has multiple reservations, all fully paid and has seen multiple cancellations (1 -NCLH and 7 RCL) during the course of the CDC industry shutdown. His latest cancellations were both a Transatlantic from the UK and a July 2nd , 2021 Alaska Cruise that was part of the subject of his first *Amicus* Brief in the District Court Case.

He is also a current participant in the Phase 3 trials for a Covid-19 manufacturer. Mr. Young brings an important and unique perspective to the stay request now pending before this court.

Mr. Young believes the brief is within the allowed timeframe due to the extension of response by the State of Florida's and within response specified in the Fed. R. App. P. (29). If not, then Mr. Young, respectfully asks the Courts indulgence and further asks them to waive the requirement.

For these reasons, Mr. Young respectfully requests that the Court grant

leave to file the attached *amicus* brief in **Limited Support of the Defendant-Appellant's Motion to Appeal.**

Pursuant to Fed. R. App. P. 29(a)(2), Mr. Young has consulted with the counsel for both Plaintiff-Appellee and Defendant-Appellant, with the former, while not in agreement with my analysis, is in agreement with my right to submit an amicus brief and the latter who has responded with they “take no position and defers to the judgment of the Court”. Mr. Young has also consulted with the counsel for the State of Texas, recently admitted as an intervenor to the District Court Case who has agreed to allow the submission of the brief, as well.

Therefore none have objected to *Amicus'* request to file this brief.

DATED: August 9, 2021,

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**CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMIT,
TYPEFACE REQUIREMENTS, AND TYPE-STYLE REQUIREMENTS**

This document complies with the word limit of Fed. R. App. P. 27(d)(2) because this document contains 579 words, excluding the parts of the document exempted by Fed. R. App. P. 32(f).

This document complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type-style requirements of Fed. R. App. P. 32(a)(6) because this document has been prepared in a proportionally spaced type-face using Microsoft Word for Microsoft 365 in 14 point Times New Roman.

DATED: August 9, 2021,

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CERTIFICATE OF SERVICE

I certify that on August 9, 2021, I have mailed a copy of this filing to the Court Clerk and requested since all respondents are served by the Court CM/ECF System that the foregoing brief to be filed and served electronically via the Court's CM/ECF System.

DATED: August 9, 2021

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