



**BREAKING NEWS from  
LIBERTY JUSTICE CENTER and  
PELICAN INSTITUTE FOR PUBLIC POLICY**

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**BREAKING NEWS: FEDERAL APPEALS COURT ORDERS FEDERAL  
GOVERNMENT TO HALT IMPLEMENTATION OF OSHA VACCINE  
MANDATE IN RESPONSE TO PETITION BY BRANDON TROSCLAIR**

***Ruling: "...the Mandate threatens to substantially burden the liberty  
interests of reluctant individual recipients put to a choice between  
their job(s) and their job(s)."***

NEW ORLEANS (Nov. 12, 2021) — The federal government has been ordered to halt all implementation and enforcement of its COVID vaccine and testing mandate following the request by petitioner and Louisiana business owner [Brandon Trosclair](#) and a group of employees from Texas who sued over the mandate last week.

The ruling from the Fifth Circuit Court of Appeals in New Orleans represents a complete victory in this stage of the fight against the mandate. The court has ordered the Biden Administration to halt all enforcement of the mandate while legal challenges work their way through the federal court system. The ruling issued today by the Fifth Circuit was in direct response to the request for extended stay filed by the national law firm the **Liberty Justice Center** and the Louisiana-based **Pelican Institute for Public Policy**.

**Brandon Trosclair, who employs nearly 500 people across 15 grocery stores in Louisiana and Mississippi** said, "Today's ruling marks a tremendous success because the court recognizes how this mandate would impair our liberty and infringe on our constitutional rights. I am proud to be in this fight on behalf of not just my employees, but all Americans. It's wrong for the federal government to order me to interfere in the private medical decisions of my team members or to impose insurmountable costs on my businesses. I look forward to taking my fight all the way to the Highest Court."

**Patrick Hughes, president and co-founder of the Liberty Justice Center** said, "This is a complete and total victory for our clients and all Americans at this stage in the fight against this illegal mandate. The court rightly recognizes that the federal government has grossly exceeded its authority and is right to grant our request for extended stay. This mandate represents the greatest overreach by the federal government in a generation. It is illegal and unconstitutional and we are committed to ensuring it never sees the light of day."

**Sarah Harbison, General Counsel at the Pelican Institute for Public Policy** said, "The Fifth Circuit's decision to put a stop to the Biden Administration's illegal vaccine mandate is a huge win for liberty and

cements the reality that this mandate is an overreach by the federal government that would cause irreversible damage to American businesses and workers."

In the order, the three-judge panel from the Fifth Circuit said:

- "the Mandate [is] fatally flawed on its own terms."
- "The Mandate's stated impetus—a purported 'emergency' that the entire globe has now endured for nearly two years, and which OSHA itself spent nearly two *months* responding to—is unavailing as well."
- "The Mandate threatens to substantially burden the liberty interests of reluctant individual recipients put to a choice between their job(s) and their jab(s)."
- It "is critical to note that the Mandate makes no serious attempt to explain why OSHA and the President himself were against vaccine mandates before they were for one here."
- "OSHA's attempt to shoehorn an airborne virus that is both widely present in society (and thus not particular to any workplace) and non-life-threatening to a vast majority of employees into a neighboring phrase connoting toxicity and poisonousness is yet another transparent stretch."
- "health agencies do not make housing policy, and occupational safety administrations do not make health policy"
- "the petitioners' motion for a stay pending review is GRANTED. Enforcement of the Occupational Safety and Health Administration's "COVID-19 Vaccination and Testing; Emergency Temporary Standard" remains STAYED pending adequate judicial review of the petitioners' underlying motions for a permanent injunction. In addition, IT IS FURTHER ORDERED that OSHA take no steps to implement or enforce the Mandate until further court order."

***BST Holdings, LLC v. OSHA* was filed Nov. 5, 2021, in U.S. Circuit Court of Appeals for the Fifth Circuit in New Orleans. Brandon Trosclair is the sole owner of BST Holdings, LLC. Case filings are available here: <https://libertyjusticecenter.org/media/osha-vaccine-mandate-blocked>**

**[The Fifth Circuit's order granting the motion to stay – effectively halting the vaccine mandate – is here: https://jic-assets.s3.amazonaws.com/2021/11/2021-11-12-BST-Holdings-v-OSHA-Fifth-Circuit-orders-Fed-to-stand-down-on-OSHA-mandate.pdf](https://jic-assets.s3.amazonaws.com/2021/11/2021-11-12-BST-Holdings-v-OSHA-Fifth-Circuit-orders-Fed-to-stand-down-on-OSHA-mandate.pdf)**

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**The Liberty Justice Center** is a nonprofit, public-interest litigation center that fights to protect Americans' fundamental constitutional rights. Its team of expert constitutional attorneys fight to protect workers' rights and free speech, combat cancel culture and government overreach and improve the lives of everyday Americans. The Liberty Justice Center is best known for its 2018 U.S. Supreme Court victory in *Janus v. AFSCME*. Learn more about the Liberty Justice Center at [LibertyJusticeCenter.org](https://LibertyJusticeCenter.org).

**The Pelican Institute** believes every person should have the opportunity to flourish. The Institute's mission is to research and develop policy solutions to address the most significant barriers to opportunity in Louisiana. We educate the public about the benefits of individual liberty and free enterprise, turning great ideas into powerful policy solutions that make a meaningful difference in people's lives.