



**PRESS RELEASE from  
LIBERTY JUSTICE CENTER and  
PELICAN INSTITUTE FOR PUBLIC POLICY**

**MEDIA CONTACT:**

Kristen Williamson, 773-809-4403  
[media@libertyjusticecenter.org](mailto:media@libertyjusticecenter.org)

**LAWSUIT FILED TO STOP FEDERAL VACCINE MANDATE**  
***In a historic fight to stop government overreach, a Louisiana business owner and remote workers from Texas sue to halt OSHA vaccine rule***

NEW ORLEANS (Nov. 5, 2021) — A prominent Louisiana business owner and a group of remote workers from Texas have filed a federal lawsuit to strike down the Biden Administration’s illegal vaccine mandate on private sector employees.

Brandon Trosclair employs nearly 500 people across 15 grocery stores in Louisiana and Mississippi. Under the new rule, Trosclair would be forced to fire any employees who decline the COVID vaccine – many of whom have worked tirelessly since the pandemic’s start. With help from the national law firm **Liberty Justice Center** and the Louisiana-based **Pelican Institute for Public Policy**, Trosclair has filed a petition with the U.S. Circuit Court of Appeals to challenge the new federal rule.

Also suing are six employees who work remotely from their homes in Texas for CaptiveAire Systems, which manufactures and services commercial kitchen ventilation systems and HVAC equipment. Under the mandate, these employees would lose their jobs for refusing the COVID vaccine.

“The Biden Administration’s illegal vaccine mandate for private companies represents the most egregious government overreach in our generation,” said **Daniel Suhr, managing attorney at the Liberty Justice Center**. “No matter how you feel about the COVID vaccine, every American should be outraged. Apparently, the Biden Administration’s COVID strategy is this: circumvent Congress, ignore the Constitution, then threaten and bully millions of Americans to get vaccinated against their will. It’s an assault on the U.S. Constitution, which the President has sworn to uphold.”

This lawsuit represents a historic fight by working Americans against brazen overreach by the federal government. The purpose of the emergency temporary standard under OSHA is to protect against workplace hazards, not to enforce a vaccination directive for a disease that is present across the entire globe. Any attempt by the Biden Administration to empower the Department of Labor to regulate private health decisions made outside of work is well beyond its mission. The lawsuit filed today argues that the mandate is illegal, divisive and un-American.

“Over the past 20 months, my employees have showed up to work and served their communities in the face of COVID and hurricanes. Now I’m being told by the government to insert myself into their private health decisions? That’s wrong and I won’t stand for it,” said **Brandon Trosclair, Louisiana and**

**Mississippi grocery store owner.** “It is not the government’s place to tell me how to operate my stores or to force me to interfere in the private medical decisions of my employees.”

Trosclair says he already is faced with a shortage of full-time employees, and the new OSHA rule will make it even harder to hire and maintain employees.

“Not only is this mandate a blatant overreach by the federal government, it also has a real impact on Americans who are looking for work and business owners who are struggling to keep their doors open. The Biden Administration’s mandate will put up a new barrier to work that hurts people’s ability to get a job and provide for their families,” said **Sarah Harbison, General Counsel at the Pelican Institute for Public Policy.**

Employees of the North Carolina-headquartered CaptiveAire Systems are joining the petition challenging the OSHA vaccine mandate. Most of the six employees work independently servicing commercial ventilation systems in Texas. They oppose the vaccine requirements not only because they are illegal, but also because the government’s one-size-fits-all approach applies to remote and independent workers who do not even interact with coworkers.

Prior to announcing this mandate, government officials stated for months that the federal government does not have the power to mandate Americans receive COVID-19 vaccines. The mandate comes on the heels of other illegal overreach by the Biden Administration, such as the ban on evictions which the Supreme Court struck down earlier this year.

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

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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.