

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

MICHAEL S. ZUMMER,

Plaintiff-Appellant,

v.

JEFFREY S. SALLET, et al.,

Defendants-Appellees.

No. 21-30219

**DEFENDANTS-APPELLEES' UNOPPOSED MOTION FOR  
LEAVE TO PARTICIPATE IN ORAL ARGUMENT REMOTELY**

Pursuant to Federal Rule of Appellate Procedure 27, defendants-appellees respectfully request that the Court permit counsel for defendants-appellees to participate in oral argument remotely.

1. This case is currently scheduled for oral argument in New Orleans, Louisiana, on January 6, 2022. Counsel for the governmental defendants-appellees is located in Washington, DC. Traveling to and staying in New Orleans for argument would require extensive close contact with a large number of people at a time when COVID-19 community transmission is high and much remains unknown about the omicron variant.
2. In light of the coronavirus pandemic, the Office of Management and Budget has issued federal travel guidance indicating that only mission-critical travel is recommended at this time. In evaluating whether or not

travel is mission-critical, agency leadership is directed to strongly consider whether the purpose of the travel can be handled remotely.

3. Counsel for the government also has personal reasons to minimize potential exposure to COVID. In particular, the undersigned has two young children who are not yet eligible to be vaccinated. Although counsel for the government is fully vaccinated, the prevalence of breakthrough infections from the omicron variant creates a considerable risk that he could become a carrier for infecting his children.
4. For the foregoing reasons, defendants-appellees respectfully request that the Court permit counsel for defendants-appellees to participate in the January 6, 2022 oral argument remotely.
5. Counsel for plaintiff-appellant has stated that plaintiff-appellant does not oppose this motion provided that he be permitted to present argument in person.

## CONCLUSION

For the foregoing reasons, defendants-appellees respectfully move for leave to participate in oral argument remotely.

Respectfully submitted,

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s/ Joshua M. Koppel

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Attorneys

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December 2021

**CERTIFICATE OF COMPLIANCE**

I certify that this document complies with the word limit of Fed. R. App. P.  
27(d)(2)(A) because it contains 267 words.

s/ Joshua M. Koppel  
JOSHUA M. KOPPEL

**CERTIFICATE OF SERVICE**

I hereby certify that on December 21, 2021, I electronically filed the foregoing motion with the Clerk of the Court for the United States Court of Appeals for the Fifth Circuit by using the appellate CM/ECF system. Service will be accomplished by the appellate CM/ECF system.

s/ Joshua M. Koppel  
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Joshua M. Koppel