#### UNITED STATES DISTRICT COURT FOR THE DISTRICT OF PUERTO RICO

TROPICAL CHILL CORP., ET AL.,

Plaintiffs,

v.

HON. PEDRO R. PIERLUISI URRUTIA, IN HIS OFFICIAL CAPACITY AS GOVERNOR OF THE COMMONWEALTH OF PUERTO RICO, ET AL.,

Defendants.

**Civil No. 21-1411 (RAM-MEL)** 

#### **Motion for Judicial Notice**

To the Hon. Marcos E. López, U.S. Magistrate Judge:

The plaintiffs, Tropical Chill Corp., Eliza Llenza, Yasmin Vega, and Rene Matos, respectfully move this Magistrate Judge, under Federal Rule of Evidence 201(b), to take judicial notice of the facts set forth below for purposes of the evidentiary hearing and for rendering the report and recommendation ordered by the presiding judge at ECF No. 56.

A court may take judicial notice "of a fact that is not subject to reasonable dispute because it (1) is generally known within the trial court's territorial jurisdiction; or (2) can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned." Fed. R. Evid. 201(b); see Gent v. CUNA Mut. Ins. Soc'y, 611 F.3d 79, 84 n. 5 (1st Cir. 2010) (taking judicial notice "of the relevant facts provided on the [government] website, which [were] 'not subject to reasonable dispute.").

It bears noting at the outset that the plaintiffs acknowledge and understand this Magistrate Judge's frustration with the lack of meaningful stipulations, and, in hindsight, perhaps this motion should have been filed before the commencement of the evidentiary hearing. But the plaintiffs in good faith had planned to file it right after the hearing—to provide the benefit of both updated statistics and charts, which may in turn guide this Magistrate Judge in accessing and assessing the *latest* Covid-19 related data from the websites of both federal and local governments.

Both the presiding and magistrate judges, after all, can take judicial notice on their own of this and other Covid-19 related data. See, e.g., Does 1-6 v. Mills, 16 F.4th 20, 26 n. 3 (1st Cir. 2021) (taking judicial notice of Covid-19-related information that is "capable of being determined by an assuredly accurate source") (cleaned up). So these proffered facts, which are a casebook example of material suitable for judicial notice, e.g., Pietrangelo v. Sununu, 15 F.4th 103, 106 n. 1 (1st Cir. 2021) ("The accuracy of state and federal vaccine distribution data cannot be reasonably questioned, and we take judicial notice of them."), are offered to that end. Similarly,

Indeed, many of the proffered facts here are proposed but rejected facts as part of the joint stipulations ordered by the presiding judge and submitted by the parties. *Compare* Paragraphs Nos. 1–3, 5–10, 13–14, and 18, below; *with* ECF No. 51 (defendants' denying of plaintiff's suggested stipulations nos. 1, 41, 12, 49, 58, and 64). And because the plaintiffs have until the close of the hearing (which appears to be today) to file this motion, they did not have the chance to confer with the defendants' counsel on whether they would stipulate some of the facts proffered here. But, as just noted, many of these proffered facts were already rejected by the defendants. So the attempt to reach stipulations in the middle of the evidentiary hearing, with such little intervening time, would have been hopeless in any event. In any event, Federal Rule of Evidence 201(e) provides that, "[o]n timely request, a party is entitled to be heard on the propriety of taking judicial notice and the nature of the fact to be noticed. If the court takes judicial notice before notifying a party, the party, on request, is still entitled to be heard." Accordingly, the defendants are still free to invoke their right to be heard "on the propriety of taking judicial notice and the nature of the fact to be noticed." *Id.* To be sure, and as ordered by the Magistrate Judge, the undersigned will still confer with opposing counsel to attempt to resolve any issues and attempt to stipulate these facts.

it cannot be said that these anodyne facts can surprise the defendants, who have had privileged and early access to the data uploaded to the Health Department's Covid-19 dashboard.

The plaintiffs, in short, provide the following adjudicative facts—in the order of vaccination, cases, new admissions, hospitalizations, positivity rates, and deaths related to Covid-19—that comply with Rule 201(b):

- According to the CDC, as of November 15, 2021, when EO 2021-075 was announced, Puerto Rico had, 74.2% of the "Total Population Fully Vaccinated," 84.7% "of 65+ Population Fully Vaccinated" and 83.2% "of 12+ Population Fully Vaccinated." Population Fully Vaccinated.
- 2. According to the CDC, as of December 10, 2021, Puerto Rico had 75.1% of the "Total Population Fully Vaccinated," 85.2% "of 65+ Population Fully Vaccinated" and 83.5% "of 12+ Population Fully Vaccinated." See CDC, Vaccination Delivery and Coverage, US, States and Jurisdictions, COVID-19 Vaccinations in the United States, Data Table for COVID-19 Vaccinations in the United States, <a href="https://covid.cdc.gov/covid-data-tracker/#vaccinations-vacc-people-fully-percent-pop65">https://covid.cdc.gov/covid-data-tracker/#vaccinations-vacc-people-fully-percent-pop65</a>, <a href="https://covid.cdc.gov/covid-data-tracker/#vaccinations-vacc-people-fully-percent-pop12">https://covid.cdc.gov/covid-data-tracker/#vaccinations-vacc-people-fully-percent-pop12</a> (last seen Dec. 10, 2021). See Appendix 3 and 4.

<sup>&</sup>lt;sup>2</sup> See CDC, Vaccination Delivery and Coverage, US, States and Jurisdictions, COVID-19 Vaccinations in the United States, Data Table for COVID-19 Vaccinations in the United States, <a href="https://web.archive.org/web/20211116141932/https://covid.cdc.gov/covid-data-tracker/#vaccinations">https://web.archive.org/web/20211116141932/https://covid.cdc.gov/covid-data-tracker/#vaccinations</a> vacc-people-fully-percent-pop65,

https://web.archive.org/web/20211116192651/https://covid.cdc.gov/covid-data-

tracker/#vaccinations vacc-people-fully-percent-pop12 (last seen Dec. 10, 2021); Appendix 1 and 2.

- 3. According to the CDC, as of December 10, 2021, Puerto Rico had 78% "of 5+ Population Fully Vaccinated." See CDC, Vaccination Delivery and Coverage, US, States and Jurisdictions, COVID-19 Vaccinations in the United States, Data Table for COVID-19 Vaccinations in the United States, <a href="https://covid.cdc.gov/covid-data-tracker/#vaccinations-vacc-people-fully-percent-pop5">https://covid.cdc.gov/covid-data-tracker/#vaccinations-vacc-people-fully-percent-pop5</a> (last seen Dec. 10, 2021); see Appendix 5.
- 4. According to the Puerto Rico Health Dept. COVID-19 dashboard on December 10, 2021, as of December 9, 2021, a total of 78.1% of the able population, 5 years and more, were fully vaccinated and 87.6% of such population had received at least one dose. See Puerto Rico Health Department, COVID-19 en Cifras en Puerto Rico, Vacunación, <a href="https://covid19datos.salud.gov.pr/#vacunacion">https://covid19datos.salud.gov.pr/#vacunacion</a> (last seen Dec. 10, 2021); see Appendix 6.
- 5. According to the CDC, as of November 15, 2021, Puerto Rico had a "7-Day Case Rate per 100,000" of 26.7 cases, listed last among all states, Guam, Northern Marian Islands, and New York City. Under the table title "Data Table for Cumulative Cases per 100K in Last 7 Days", Puerto Rico is listed No. 57 of 61, 3rd to last of the ones with data, with Palau and Republic of Marshall Islands, both with 0 cases, and American Samoa and Federated States of Micronesia with "N/A." See CDC, United States COVID-19 Cases, Deaths, and Laboratory Testing (NAATs) by State, Territory, and Jurisdiction, Data Table for Cumulative Cases per 100k in Last 7 Days,

- https://web.archive.org/web/20211116192651/https://covid.cdc.gov/covid-data-tracker/#cases\_casesper100klast7days (last seen Dec. 10, 2021); see Appendix 7.
- 6. According to the CDC, as of December 10, 2021, Puerto Rico had a "7-Day Case Rate per 100,000" of 27.2 cases, listed last among all states, Guam, and New York City. Under the table title "Data Table for Cumulative Cases per 100K in Last 7 Days," Puerto Rico is listed No. 56 of 61, 4th to last of the reporting ones with Northern Mariana Islands, Palau, and Republic of Marshall Islands, all three with 0 cases, and American Samoa and Federated States of Micronesia listed with "N/A". See CDC, United States COVID-19 Cases, Deaths, and Laboratory Testing (NAATs) by State, Territory, and Jurisdiction, Data Table for Cumulative Cases 100k in7 per LastDays, https://covid.cdc.gov/covid-datatracker/#cases casesper100klast7days (last seen Dec. 10, 2021); see Appendix 8.
- 7. According to the Health Dept. COVID-19 dashboard, on December 12, 2021, the daily average of confirmed cases was 44 cases, and on November 15, 2021, the 7dMA of confirmed cases was 85.3 cases. See Puerto Rico Health Dept., COVID-19 en Cifras en Puerto Rico, Casos, <a href="https://covid19datos.salud.gov.pr/#casos">https://covid19datos.salud.gov.pr/#casos</a> (last seen Dec. 12, 2021); see Appendix 9.
- 8. According to the Health Dept. COVID-19 dashboard, on December 12, 2021, the highest 7dMA of confirmed cases from the period of September 30 to December 9, 2021 was 98.6 cases on September 30, 2021 and 98.1 cases on November 16, 2021. See Puerto Rico Health Dept., COVID-19 en Cifras en Puerto Rico, Casos, <a href="https://covid19datos.salud.gov.pr/#casos">https://covid19datos.salud.gov.pr/#casos</a> (last seen Dec. 12, 2021); Appendix 10.

- 9. According to the CDC, as of December 8, 2021, the "Current 7-Day Average Nov 9, 2021 Nov 15, 2021" of "new admissions of patients with confirmed COVID-19" in Puerto Rico was 9 new admissions and the "Prior 7-Day Average Nov 02, 2021 Nov 08, 2021" was 4 new admissions. The "Peak 7-Day Average Nov 04, 2020 Nov 10, 2020" was 189 new admissions. See CDC, New Hospital Admissions, New Admissions of Patients with Confirmed COVID-19, Puerto Rico (By Jurisdiction, Select Jurisdiction: Puerto Rico), <a href="https://covid.cdc.gov/covid-data-tracker/#new-hospital-admissions">https://covid.cdc.gov/covid-data-tracker/#new-hospital-admissions</a> (last seen on Dec.10, 2021); see Appendix 11.
- 10. According to the CDC, as of December 8, 2021, the "Current 7-Day Average Dec 02, 2021 Dec 08, 2021" of "new admissions of patients with confirmed with COVID-19" in Puerto Rico was 4 and the "Prior 7-Day Average Nov 25, 2021 Dec 01, 2021," was 3. See CDC, New Hospital Admissions, New Admissions of Patients with Confirmed COVID-19, Puerto Rico (By Jurisdiction, Select Jurisdiction: Puerto Rico), <a href="https://covid.cdc.gov/covid-data-tracker/#new-hospital-admissions">https://covid.cdc.gov/covid-data-tracker/#new-hospital-admissions</a> (last seen Dec. 10, 2021); see Appendix 12.
- 11. According to the Puerto Rico Health Dept. COVID-19 dashboard, as of December 10, 2021 a total of 35 adults were hospitalized, 5 adults were ICU hospitalized, there were 2 pediatric hospitalizations and cero pediatric ICU hospitalizations. See Puerto Rico Health Department, COVID-19 en Cifras en Puerto Rico, Sistema de Salud, <a href="https://covid19datos.salud.gov.pr/#sistemas\_salud">https://covid19datos.salud.gov.pr/#sistemas\_salud</a> (last seen Dec. 10, 2021); see Appendix 13.

- 12. According to the Puerto Rico Health Dept. COVID-19 dashboard, as of Dec. 12, 2021, the 7dMA of hospitalizations is 30.6 and of ICU hospitalizations is 4.3. See Puerto Rico Health Dept., COVID-19 en Cifras en Puerto Rico, Resumen Ejecutivo (Hospitalizaciones e ICU), <a href="https://covid19datos.salud.gov.pr/#resumen ejec">https://covid19datos.salud.gov.pr/#resumen ejec</a> (last seen Dec. 12, 2021); see Appendix 14.
- 13. According to the Health & Human Services (HHS) Protect Inpatient Dashboard, as of October 8, 2021, the overall "Inpatient Beds in Use" in the United States is 77.87% and in Puerto Rico 61.85% and the overall "Inpatient Beds in Use for Covid-19" in the United States is 8.76% and in Puerto Rico is 1.42%. As of October 9, 2021, the overall "ICU Beds in Use" in the United States is 78.19% and in Puerto Rico is 73.74% and the overall "ICU Beds in Use for Covid-19" in the United States is 21.47% and in Puerto Rico is 5.6%. HHS, HHS Protect Inpatient Bed Dashboard, <a href="https://protect-public.hhs.gov/pages/hospital-utilization">https://protect-public.hhs.gov/pages/hospital-utilization</a>, (last seen Oct. 8 and Oct 9, 2021); see Appendixes 15, 16.
- 14. According to the HHS Protect Inpatient Dashboard, as of December 10, 2021, the overall "Inpatient Beds in Use" in the United States is 79.13% and in Puerto Rico 62.25% and the overall "Inpatient Beds In Use for Covid-19" in the United States is 8.62% and in Puerto Rico is 0.53%. The overall "ICU Beds in Use" in the United States is 76.69% and in Puerto Rico is 65.84% and the overall "ICU Beds in Use for Covid-19" in the United States is 18.88% and in Puerto Rico is 1.22%. HHS, HHS Protect Inpatient Bed Dashboard, https://protect-

- <u>public.hhs.gov/pages/hospital-utilization</u> (last seen Dec. 10, 2021); see Appendixes 17, 18.
- 15. According to the Health Dept. COVID-19 dashboard, as of December 10, 2021, the positivity was "Low" at 2.29 (Low (0.0-4.9), Moderate (5.0-7.9), Substantial (8.0-9.9) and High (10.0+)) and the incidence was "Low" at 9.83 (Low (0.0-9.9), Moderate (10.0-49.9), Substantial (50.0-99.9) and High (100.0+)). See Puerto Rico Health Department, COVID-19 en Cifras en Puerto Rico, Resumen Ejecutivo, <a href="https://covid19datos.salud.gov.pr/#resumen ejec">https://covid19datos.salud.gov.pr/#resumen ejec</a> (last seen Dec. 10, 2021); see Appendix 19.
- 16. According to the Health Dept. COVID-19 dashboard, as of December 12, 2021, the 7dMA of deaths on November 15, 2021 was 1.4 deaths and in December 11, 2021 was 0.4. See Puerto Rico Health Department, COVID-19 en Cifras en Puerto Rico, Defunciones, <a href="https://covid19datos.salud.gov.pr/#defunciones">https://covid19datos.salud.gov.pr/#defunciones</a> (last seen Dec. 12, 2021); see Appendix 20.
- 17. According to the CDC, as of November 15, 2021, Puerto Rico "7-Day Death Rate per 100,000" was 0.3. On the "Data Table for Cumulative Deaths per 100k in Last 7 Days", Puerto Rico is listed #54 of 61, 4th to last of the ones with data, with Florida at 0.1, and then Northern Mariana Islands, Palau, Republic of Marshall Islands all at 0. See CDC, United States COVID-19 Cases, Deaths, and Laboratory Testing (NAATs) by State, Territory, and Jurisdiction (View: Deaths, Time Period: Last 7 Days, Metric: Rate per 100,000), Data Table for Cumulative Deaths per 100k in Last 7 Days,

https://web.archive.org/web/20211116192651/https://covid.cdc.gov/covid-data-tracker/#cases\_deathsper100klast7days (last seen Dec. 10, 2021); Appendix 21.

18. According to the CDC, as of December 10, 2021, Puerto Rico "7-Day Death Rate per 100,000" was 0.1. On the "Data Table for Cumulative Deaths per 100k in Last 7 Days", Puerto Rico is listed No. 53 of 61, 6th to last of the ones reporting (with District of Columbia, Northern Mariana Islands, Palau, Republic of Marshall Islands, and Virgin Islands all with 0 and American Samoa, Federal State of Micronesia, and New York (Level of Community Transmission) with "N/A"). See CDC, United States COVID-19 Cases, Deaths, and Laboratory Testing (NAATs) by State, Territory, and Jurisdiction (View: Deaths, Time Period: Last 7 Days, Metric: Rate per 100,000), Data Table for Cumulative Deaths per 100k in Last 7 Days, https://covid.cdc.gov/covid-data-tracker/#cases\_deathsper100klast7days (last seen on Dec. 10, 2021); Appendix 22.

#### Conclusion

For the reasons stated, this Magistrate Judge should grant this motion and take judicial notice of the foregoing facts.

Dated: December 14, 2021 Respectfully submitted,

#### **B&D LLC**

/s/José R. Dávila-Acevedo José R. Dávila-Acevedo jose@bdlawpr.com USDCPR No. 231511 1519 Ponce de Leon Ave. Ste. 501 San Juan, PR 00909 787-931-0941

# Puerto Rico Institute for

Economic Liberty
/s/ Arturo V. Bauermeister
Arturo V. Bauermeister
bauermeistera@ilepr.org
USDCPR No. 302604
P.O. Box 363232
San Juan, PR 00936-3232

San Juan, PR 00936-3232 Tel: 787.721.5290

Tel: 787.721.5290 Fax: 787.721.5938

# Case 3:21-cv-01411-RAM-MEL Document 83 Filed 12/14/21 Page 10 of 10

/s/ Ilya Shapiro D.C. Bar. No. 489100 (admitted pro hac vice) 1000 Mass. Ave. NW Washington, DC 20001	
202-077-1134	D.C. Bar. No. 489100 (admitted pro hac vice) 1000 Mass. Ave. NW

Counsel for Plaintiff

DC   Data as of: November 15, 2021 6:00am ET. Posted: Monday, November 15, 2021 2:00 PM ET  Download Data					
tate/Territory/Federal Entity	People Fully Vaccinated by State of Residence \$	Percent of Total Pop Fully Vaccinated by State of Residence \$	People 65+ Fully Vaccinated by State of Residence \$	Percent of 65+ Pop Fully Vaccinated by State	
uerto Rico	2,369,831	74.2	575,367	84.7	
lepublic of Palau	15.749	73.1	1,716	86.1	
iuam	122.319	72.6	15,693	97.7	
				98.4	
ermont .	450,241	72.2	123,026		
thode Island	760,573	71.8	180,303	96.4	
Maine	962,283	71.6	273,961	96	
onnecticut	2,547,152	71.4	591,373	93.8	
Massachusetts	4,857,106	70.5	1,066,732	91.2	
lorthern Mariana Islands	35,205	67.9	2,920	77.8	
lew York State	13,169,871	67.7	2,843,677	86.3	
lew Jersey	5,967,959	67.2	1,306,617	88.6	
Maryland	4,035,528	66.8	874,854	91.2	
merican Samoa	31,274	66	2,669	81.4	
Vashington	4,903,335	64.4	1,093,349	90.4	
irginia	5.473.023	64.1	1,201,128	88.4	
		63.7		90.2	
lew Hampshire	866,642		228,993		
istrict of Columbia	448,652	63.6	75,988	87	
)regon	2,678,326	63.5	674,875	88.1	
lew Mexico	1,319,377	62.9	337,123	89.3	
olorado	3,599,101	62.5	736,287	87.4	
alifornia	24,639,061	62.4	4,927,720	84.4	
Minnesota	3,490,068	61.9	863,214	93.8	
ennsylvania	7,903,294	61.7	2,204,722	92.1	
linois	7,791,475	61.5	1,779,017	87.1	
lorida	13.016.480	60.6	3.919.122	87.1	
)elaware	589,403	60.5	170,830	90.4	
lawaii	855,649	60.4	236,670	88.2	
Visconsin	3,434,266	59	939,827	92.4	
lebraska	1,100,134	56.9	279,553	89.5	
owa	1,773,343	56.2	499,851	90.4	
Jtah	1,747,437	54.5	320,324	87.6	
Michigan	5,404,429	54.1	1,505,389	85.3	
exas	15,691,269	54.1	3,080,237	82.5	
krizona	3,930,108	54	1,064,457	81.3	
ansas	1,572,949	54	412,980	86.9	
levada	1,658,987	53.9	395,964	79.8	
outh Dakota	475.748	53.8	136.349	89.8	
lorth Carolina	5,619,298	53.6	1,448,336	82.7	
laska	391,356	53.5	76,063	83	
Dhio	6,139,691	52.5	1,739,413	85	
entucky	2,301,594	51.5	624,273	83.2	
Montana	548.911	51.4	171.342	83	
klahoma	2,014,904	50.9	527,049	83	
outh Carolina	2,615,899	50.8	785,017	83.8	
fissouri	3,096,343	50.5	861,438	81.1	
ndiana	3,385,470	50.3	922,748	85	
ieorgia	5,202,626	49	1,216,067	80.2	
ennessee		48.9	926,225	81	
ennessee rkansas	3,342,399	48.8	401,810		
	1,471,692			76.7	
ouisiana	2,246,770	48.3	622,095	84	
lorth Dakota	367,616	48.2	97,820	81.6	
irgin Islands	50,032	47.1	13,971	68.2	
lississippi	1,386,037	46.6	392,765	80.7	
labama	2,231,219	45.5	660,387	77.7	
lyoming	260,286	45	79,779	80.4	
iaho	798.126	44.7	242.574	83.5	
Vest Virginia	743.031	41.5	265.405	72.3	
-		40.6			
ederated States of Micronesia	41,551		3,354	69.7	
ndian Health Svc	779,512	37.4	134,226	N/A	
farshall Islands	21,512	27.7	1,185	31.8	
ureau of Prisons	124,219	N/A	3,547	N/A	
lept of Defense	2,732,710	N/A	165,216	N/A	
eterans Health	2,877,502	N/A	1,475,369	N/A	

CDC, Vaccination Delivery and Coverage, US, States and Jurisdictions, COVID-19 Vaccinations in the United States (View: People, Show: Fully Vaccinated, Metric: % of Population, Population: Population > 65 Years of Age), *Data Table for COVID-19 Vaccinations in the United States*,

Footnotes

https://web.archive.org/web/20211116192651/https://covid.cdc.gov/covid-data-tracker/#vaccinations\_vacc-people-fully-percent-pop12 (last seen on December 10, 2021).

DC   Data as of: November 15, 2021 6:00am ET. Posted: Monday, November 15, 2021 2:00 PM ET Download Data				
itate/Territory/Federal Entity	People Fully Vaccinated by State of Residence \$	Percent of Total Pop Fully Vaccinated by State of Residence \$	People 12+ Fully Vaccinated by State of Residence \$	Percent of 12+ Pop Fully Vaccinated by State Residence \$
uerto Rico	2,369,831	74.2	2,369,410	83.2
epublic of Palau	15,749	73.1	15,749	84.5
iuam	122.319	72.6	122.306	93.1
ermont .	450,241	72.2	450,194	81.7
hode Island	760,573	71.8	760,507	82
Maine	962,283	71.6	962,241	81.2
onnecticut	2,547,152	71.4	2,546,571	82
Massachusetts	4,857,106	70.5	4,845,526	80.5
lorthern Mariana Islands	35,205	67.9	35,204	83.2
lew York State	13,169,871	67.7	13,168,909	78.5
lew Jersey	5,967,959	67.2	5,967,701	78.3
Maryland	4,035,528	66.8	4,035,289	78.2
merican Samoa	31,274	66	31,267	84.7
Vashington	4,903,335	64.4	4,902,968	75.4
'irginia	5,473,023	64.1	5,460,700	74.7
lew Hampshire	866,642	63.7	866,404	72.3
istrict of Columbia	448,652	63.6	448,593	73.6
)regon	2,678,326	63.5	2,672,511	73.3
lew Mexico	1,319,377	62.9	1,319,252	73.8
olorado	3,599,101	62.5	3,590,906	72.7
alifornia	24,639,061	62.4	24,589,865	73.1
Minnesota	3,490,068	61.9	3,481,877	72.9
lennsylvania	7,903,294	61.7	7,901,547	71.3
linois	7,791,475	61.5	7,774,757	71.7
lorida	13,016,480	60.6	13,014,571	69.6
)elaware	589,403	60.5	589,349	70.2
ławaii	855,649	60.4	854,123	70.5
Visconsin	3,434,266	59	3,434,023	68.7
lebraska	1,100,134	56.9	1,100,031	68
owa	1,773,343	56.2	1,773,306	66.3
Jtah	1,747,437	54.5	1,747,093	67.4
Michigan	5,404,429	54.1	5,404,251	62.9
exas	15,691,269	54.1	15,688,903	65.1
	3,930,108	54.1	3,929,668	63.3
rizona				
ansas	1,572,949	54	1,572,906	64.2
levada	1,658,987	53.9	1,658,946	63.3
outh Dakota	475,748	53.8	475,729	64.5
Iorth Carolina	5,619,298	53.6	5,614,207	62.5
laska	391,356	53.5	390,478	64.1
hio	6,139,691	52.5	6,139,502	61.4
entucky	2,301,594	51.5	2,301,428	60.5
fontana	548.911	51.4	548,855	59.8
Iklahoma	2,014,904	50.9	2,014,824	60.6
outh Carolina	2,615,899	50.8	2,613,028	59.1
lissouri	3,096,343	50.5	3,096,253	59.1
ndiana	3,385,470	50.3	3,385,136	59.3
eorgia	5,202,626	49	5,201,936	57.9
ennessee	3,342,399	48.9	3,342,169	57.3
rkansas	1,471,692	48.8	1,470,169	57.5
ouisiana	2,246,770	48.3	2.246.608	57.3
odisiana Iorth Dakota	367,616	48.2	367,238	57.6
		47.1		55.9
irgin Islands	50,032		50,004	
lississippi	1,386,037	46.6	1,385,950	55
labama	2,231,219	45.5	2,231,122	53.3
/yoming	260,286	45	260,272	53
daho	798,126	44.7	0	0
est Virginia	743,031	41.5	742,717	47.7
ederated States of Micronesia	41,551	40.6	41,542	52.5
ndian Health Svc	779,512	37.4	779,320	N/A
farshall Islands	21,512	27.7	21,500	37.5
ureau of Prisons	124,219	N/A	124,218	N/A
ept of Defense	2,732,710	N/A	2,732,630	N/A
eterans Health	2,877,502	N/A	2,877,428	N/A

CDC, Vaccination Delivery and Coverage, US, States and Jurisdictions, COVID-19 Vaccinations in the United States (View: People, Show: Fully Vaccinated, Metric: % of Population, Population: Population > 12 Years of Age), *Data Table for COVID-19 Vaccinations in the United States*,

https://web.archive.org/web/20211116192651/https://covid.cdc.gov/covid-data-tracker/#vaccinations\_vacc-people-fully-percent-pop12 (last seen on December 10, 2021).

DC   Data as of: December 10, 2021 6:00am ET. Posted: Friday, December 10, 2021 3:36 PM ET				
State/Territory/Federal Entity	People Fully Vaccinated by State of Residence \$	Percent of Total Pop Fully Vaccinated by State of Residence \$	People 65+ Fully Vaccinated by State of Residence \$	Percent of 65+ Pop Fully Vaccinated by State
Puerto Rico	2.399.286	75.1	579,277	85.2
	466,078	74.7	124,145	
/ermont				95
Rhode Island	789,244	74.5	181,961	95
Guam	124,820	74.1	15,916	95
Maine	993,478	73.9	276,808	95
Republic of Palau	15,873	73.7	1,720	86.3
Connecticut	2,611,504	73.2	594,311	94.3
Massachusetts	5,015,153	72.8	1,078,416	92.2
Northern Mariana Islands	37,617	72.5	2,966	79
West Virginia	1,271,641	71	463,378	95
New York State	13,646,639	70.1	2,905,740	88.2
Maryland	4,170,156	69	883,048	92
New Jersey	6,129,427	69	1,318,973	89.4
American Samoa	31,594	66.7	2,682	81.8
/irginia	5,669,829	66.4	1,214,930	89.4
Washington	5,058,695	66.4	1,102,366	91.1
District of Columbia	464,787	65.9	76,838	88
New Hampshire	889,338	65.4	232,460	91.6
Dregon	2,747,338	65.1	680,213	88.8
New Mexico	1,356,853	64.7	341,411	90.4
Colorado	3,722,145	64.6	745,999	88.6
alifornia	25,484,575	64.5	5,016,589	85.9
Minnesota	3,604,271	63.9	868,875	94.4
Ilinois	7,963,768	62.8	1,767,483	86.5
Delaware	610,222	62.7	174,102	92.2
Florida	13,372,404	62.3	3,971,224	88.3
Hawaii	879,811	62.1	238,987	89
Wisconsin	3,530,596	60.6	946,134	93
Pennsylvania	7,660,210	59.8	2,054,392	85.8
Nebraska	1,133,063	58.6	281,323	90
owa	1,823,388	57.8	503,838	91.1
Jtah	1,819,161	56.7	327,411	89.5
South Dakota	493,221	55.8	138,392	91.1
Arizona	4,051,274	55.7	1,084,009	82.8
Texas	16,154,076	55.7	3,121,984	83.6
(ansas	1,621,007	55.6	416,762	87.6
Michigan	5,544,303	55.5	1,517,014	85.9
Maska	404,816	55.3	76,794	83.8
Vevada	1,703,212	55.3	400,297	80.7
North Carolina	5,801,466	55.3	1,468,432	83.9
Ohio	6,322,437	54.1	1,753,706	85.7
(entucky	2,374,243	53.1	630,565	84
Montana	564,344	52.8	172,922	83.8
Oklahoma	2,072,304	52.4	532,838	83.9
outh Carolina	2,686,283	52.2	792,987	84.6
fissouri	3,187,645	51.9	870,184	81.9
ndiana	3,448,521	51.2	926,617	85.3
ennessee	3,431,274	50.2	937,768	82
rkansas	1,511,115	50.1	406,936	77.7
		49.9		79.7
Georgia Vissia Islanda	5,293,008		1,208,345	
/irgin Islands	52,783	49.7	14,782	72.2
lorth Dakota	378,332	49.6	98,870	82.5
ouisiana	2,297,117	49.4	626,263	84.5
1ississippi	1,414,758	47.5	396,104	81.4
labama	2,293,071	46.8	671,490	79
Vyoming	268,529	46.4	80,802	81.5
daho	816,162	45.7	245,042	84.3
ederated States of Micronesia	42,837	41.9	3,397	70.6
ndian Health Svc	799.709	38.4	135.873	0
Marshall Islands	22,346	28.7	1,222	32.7
		0		0
Bureau of Prisons	127,052		3,582	
Dept of Defense	2,817,790	0	169,573	0
eterans Health	2,898,979	0	1,483,138	0

CDC, COVID-19 Vaccinations in the United States (View: People, Show: Fully Vaccinated, Metric: % of the Population, Population: Population > 65 Years of Age), *Data Table for COVID-19 Vaccinations in the United States*, <a href="https://covid.cdc.gov/covid-data-tracker/#vaccinations-vacc-people-fully-percent-pop65">https://covid.cdc.gov/covid-data-tracker/#vaccinations-vacc-people-fully-percent-pop65</a> (last seen on December 10, 2021).

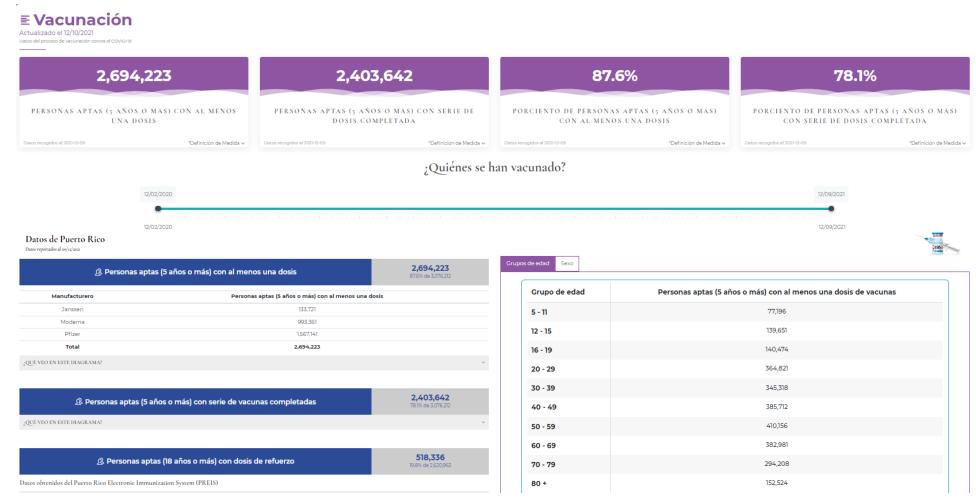
Footnotes

DC   Data as of: December 10, 2021 6:00am ET. Posted: Friday, December 10, 2021 3:36 PM ET  Download Data				
State/Territory/Federal Entity	People Fully Vaccinated by State of Residence \$	Percent of Total Pop Fully Vaccinated by State of Residence \$	People 12+ Fully Vaccinated by State of Residence \$	Percent of 12+ Pop Fully Vaccinated by State
Puerto Rico	2,399,286	75.1	2,378,686	83.5
/ermont	466,078	74.7	458,269	83.2
Rhode Island	789.244	74.5	774.855	83.5
Suam	124,820	74.1	124,522	94.8
Maine	993.478	73.9	978,453	82.6
Republic of Palau	15,873	73.7	15,872	85.1
			2.576.581	
Connecticut	2,611,504	73.2		83
Massachusetts	5,015,153	72.8	4,919,910	81.8
Vorthern Mariana Islands	37,617	72.5	36,207	85.6
Vest Virginia	1,271,641	71	1,266,834	81.3
New York State	13,646,639	70.1	13,495,596	80.5
Maryland	4,170,156	69	4,102,027	79.5
New Jersey	6,129,427	69	6,060,298	79.5
American Samoa	31,594	66.7	31,585	85.6
/irginia	5,669,829	66.4	5,565,734	76.2
Vashington	5,058,695	66.4	4,984,900	76.7
District of Columbia	464,787	65.9	458,300	75.2
New Hampshire	889,338	65.4	884,149	73.8
Dregon	2.747.338	65.1	2.708.596	74.3
lew Mexico	1.356.853	64.7	1.342.169	75.1
Colorado	3,722.145	64.6	3,658,809	74.1
alifornia	25,484,575	64.5	25,139,996	74.7
Minnesota	3,604,271	63.9	3.532.850	73.9
llinois	7.963.768	62.8	7.832.567	72.3
Delaware	610,222	62.7	605,323	72.1
lorida	13,372,404	62.3	13,286,797	71.1
Hawaii	879,811	62.1	867,237	71.6
Visconsin	3,530,596	60.6	3,483,538	69.7
Pennsylvania	7,660,210	59.8	7,569,664	68.3
Nebraska	1,133,063	58.6	1,117,161	69.1
owa	1,823,388	57.8	1,800,238	67.3
Jtah	1,819,161	56.7	1,801,859	69.5
outh Dakota	493,221	55.8	487,118	66
Arizona	4,051,274	55.7	4,022,405	64.8
Texas	16,154,076	55.7	15,994,370	66.4
(ansas	1,621,007	55.6	1,603,988	65.4
Michigan	5,544,303	55.5	5,483,056	63.8
Alaska	404.816	55.3	398.631	65.5
vaska Vevada	1,703,212	55.3 55.3	1.692.465	64.6
lorth Carolina	5,801,466	55.3	5,732,919	63.8
Dhio	6,322,437	54.1	6,251,297	62.5
(entucky	2,374,243	53.1	2,351,286	61.8
Montana	564,344	52.8	558,995	60.9
Oklahoma	2,072,304	52.4	2,056,764	61.9
outh Carolina	2,686,283	52.2	2,666,037	60.3
Missouri	3,187,645	51.9	3,157,458	60.3
ndiana	3,448,521	51.2	3,422,417	60
ennessee	3,431,274	50.2	3,411,013	58.5
krkansas	1,511,115	50.1	1,499,507	58.6
ieorgia	5,293,008	49.9	5,260,578	58.5
irgin Islands	52.783	49.7	52.603	58.8
lorth Dakota	378,332	49.6	374,275	58.7
ouisiana	2,297,117	49.4	2.291.051	58.4
Mississippi	1,414,758	47.5	1,410,743	56
ilabama	2,293,071	47.5	2,287,172	54.6
Vyoming	268,529	46.4	266,833	54.4
daho	816,162	45.7	0	0
ederated States of Micronesia	42,837	41.9	42,828	54.1
ndian Health Svc	799,709	38.4	792,607	0
farshall Islands	22,346	28.7	22,329	38.9
ureau of Prisons	127,052	0	127,051	0
ept of Defense	2,817,790	0	2,814,575	0
eterans Health	2,898,979	0	2,898,905	0
	. 4515		. 4	

CDC, COVID-19 Vaccinations in the United States (View: People, Show: Fully Vaccinated, Metric: % of the Population, Population: Population > 12 Years of Age), *Data Table for COVID-19 Vaccinations in the United States*, <a href="https://covid.cdc.gov/covid-data-tracker/#vaccinations\_vacc-people-fully-percent-pop12">https://covid.cdc.gov/covid-data-tracker/#vaccinations\_vacc-people-fully-percent-pop12</a> (last seen on December 10, 2021)

DC   Data as of: December 10, 2021 6:00am ET. Posted: Friday, December 10, 2021 3:36 PM ET					
tate/Territory/Federal Entity	People Fully Vaccinated by State of Residence \$	Percent of Total Pop Fully Vaccinated by State of Residence \$	People 5+ Fully Vaccinated by State of Residence \$	Percent of 5+ Pop Fully Vaccinated by State (	
uerto Rico	2,399,286	75.1	2,399,091	78	
ermont	466.078	74.7	466.068	78.3	
hode Island	789.244	74.5	789.236	78.5	
	124,820	74.1	124,819	81.7	
uam					
faine	993,478	73.9	993,447	77.6	
epublic of Palau	15,873	73.7	15,873	77.9	
onnecticut	2,611,504	73.2	2,611,069	77.2	
lassachusetts	5,015,153	72.8	5,015,126	76.7	
lorthern Mariana Islands	37,617	72.5	37,617	78.2	
Vest Virginia	1,271,641	71	1,271,277	74.8	
lew York State	13,646,639	70.1	13,646,282	74.5	
faryland	4,170,156	69	4,170,048	73.4	
lew Jersey	6,129,427	69	6,129,315	73.3	
merican Samoa	31,594	66.7	31,594	73.3	
irginia	5,669,829	66.4	5,669,400	70.6	
Vashington	5,058,695	66.4	5,058,582	70.7	
vasnington listrict of Columbia	464,787	65.9	464,769	70.7	
lew Hampshire	889,338	65.4	889,121	68.6	
regon	2,747,338	65.1	2,747,331	68.9	
lew Mexico	1,356,853	64.7	1,356,808	68.7	
olorado	3,722,145	64.6	3,722,088	68.6	
alifornia	25,484,575	64.5	25,483,453	68.6	
linnesota	3,604,271	63.9	3,604,227	68.2	
linois	7,963,768	62.8	7,963,554	66.8	
elaware	610,222	62.7	610,193	66.4	
lorida	13,372,404	62.3	13,370,770	65.7	
lawaii	879,811	62.1	879,636	66.1	
/isconsin	3,530,596	60.6	3,530,555	64.3	
ennsylvania	7.660.210	59.8	7,659,750	63.3	
ennsylvania lebraska	1.133.063	58.6	1,133,009	62.8	
owa	1,823,388	57.8	1,823,380	61.6	
tah	1,819,161	56.7	1,819,080	61.5	
outh Dakota	493,221	55.8	493,213	59.9	
rizona	4,051,274	55.7	4,050,987	59.1	
exas	16,154,076	55.7	16,152,933	59.8	
ansas	1,621,007	55.6	1,620,989	59.4	
fichigan	5,544,303	55.5	5,544,255	58.9	
laska	404,816	55.3	404,806	59.5	
levada	1,703,212	55.3	1,703,201	58.8	
lorth Carolina	5,801,466	55.3	5,801,143	58.7	
)hio	6,322,437	54.1	6,322,410	57.5	
	2,374,243	53.1	2,374,199	56.6	
entucky					
fontana	564,344	52.8	564,318	56	
klahoma	2,072,304	52.4	2,072,261	56	
outh Carolina	2,686,283	52.2	2,685,748	55.3	
lissouri	3,187,645	51.9	3,187,608	55.3	
ndiana	3,448,521	51.2	3,448,478	54.6	
ennessee	3,431,274	50.2	3,431,154	53.4	
rkansas	1,511,115	50.1	1,510,943	53.4	
eorgia	5,293,008	49.9	5,292,786	53.1	
irgin Islands	52,783	49.7	52,758	53	
orth Dakota	378,332	49.6	378,320	53.4	
puisiana	2,297,117	49.4	2,297,064	52.8	
lississippi	1,414,758	47.5	1,414,729	50.7	
lississippi labama	2,293,071	47.5	2,293,013	49.8	
/yoming	268,529	46.4	268,524	49.4	
iaho	816,162	45.7	0	0	
ederated States of Micronesia	42,837	41.9	42,833	46.1	
ndian Health Svc	799,709	38.4	799,567	0	
larshall Islands	22,346	28.7	22,339	32.3	
ureau of Prisons	127,052	0	127,051	0	
ept of Defense	2,817,790	0	2,817,730	0	
eterans Health	2,898,979	0	2,898,909	0	

CDC, COVID-19 Vaccinations in the United States (View: People, Show: Fully Vaccinated, Metric: % of the Population, Population: Population > 5 Years of Age), *Data Table for COVID-19 Vaccinations in the United States*, <a href="https://covid.cdc.gov/covid-data-tracker/#vaccinations-vacc-people-fully-percent-pop5">https://covid.cdc.gov/covid-data-tracker/#vaccinations-vacc-people-fully-percent-pop5</a> (last seen on December 10, 2021).



Puerto Rico Health Department, COVID-19 en Cifras en Puerto Rico, Vacunacion, https://covid19datos.salud.gov.pr/#vacunacion (last seen on December 10, 2021).

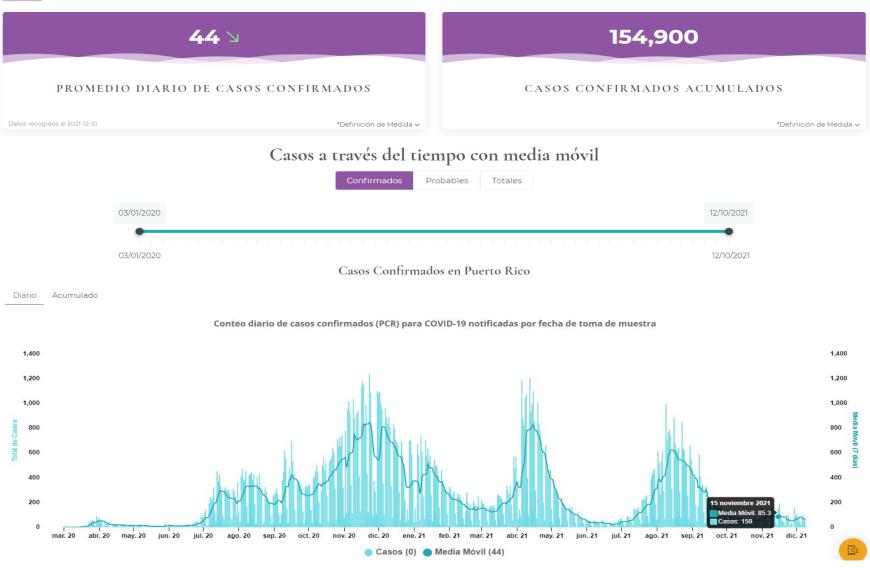
C   Data as of: November 15, 2021 12:40 PM ET. Posted: November 15, 2021 2:00 l	PM ET	Download Data
State/Territory \$	7-Day Case Rate per 100,000 <b>\$</b>	
- Michigan	503.8	
Minnesota	490.2	
New Mexico	461.7	
North Dakota	437.2	
New Hampshire	405.8	
Visconsin	395.8	
Alaska	375	
/ermont	367.5	
Vyoming	365.1	
Colorado	360.9	
Montana	358	
Jtah	356.6	
vrizona	341.1	
Vebraska	312.8	
outh Dakota	304.3	
ndiana	303.5	
Dhio	283.1	
owa	281.8	
Cansas	280.5	
Vest Virginia	278.1	
vest virginia New York*	276.3	
Pennsylvania	267.7	
Aaine	251.2	
Rhode Island	225.1	
Kentucky	207.9	
Delaware	206.4	
New York (Level of Community Transmission)*	199.2	
Massachusetts	193.3	
llinois	190.7	
daho	189.4	
Missouri	160.8	
Vashington	158.8	
Vevada	148.6	
Dklahoma	141.1	
Dregon	138.4	
Guam	137.1	
New Jersey	128.9	
ennessee	124.7	
North Carolina	117.3	
rkansas	116.8	
Connecticut	112.7	
/irginia	104.2	
Northern Mariana Islands	102.2	
Maryland	98.6	
New York City*	97.6	
California	93.1	
District of Columbia	81.2	
Georgia	79.9	
exas	73.8	
Mississippi	72.5	
klabama	66.2	
rirgin Islands	63	
ouisiana	56.7	
lorida	51	
Hawaii	49.4	
outh Carolina	41.6	
Puerto Rico	26.7	
Palau	0	
Republic of Marshall Islands	0	
American Samoa	N/A	
ederated States of Micronesia	N/A	

CDC, United States COVID-19 Cases, Deaths, and Laboratory Testing (NAATs) by State, Territory, and Jurisdiction, (View: Cases, Time Period: Last 7 Days, Metric: Rate per 100,000, *Data Table for Cumulative Cases per 100k in Last 7 Days*, <a href="https://web.archive.org/web/20211116192651/https://covid.cdc.gov/covid-data-tracker/#cases">https://web.archive.org/web/20211116192651/https://covid.cdc.gov/covid-data-tracker/#cases</a> casesper100klast7days (last seen on December 10, 2021).

ata Table for Cumulative Cases per 100k in Last 7 Days	
C   Data as of: December 10, 2021 12:55 PM ET. Posted: December 10, 2021 3:36 PM ET	Downloa
State/Territory \$	7-Day Case Rate per 100,000 \$
New Hampshire	671.3
Rhode Island	612
Michigan	567.6
Minnesota	549.4
Maine	500.8
owa	499
Massachusetts	491
ndiana	488.7
New Mexico	486.3
/ermont	469.7
New York*	456
Dhio	451
Delaware	430
Kansas	427.9
Visconsin	427.9
Pennsylvania	414
llinois	392.2
Arizona	388.9
Vest Virginia	387.3
Vebraska	362.3
New York (Level of Community Transmission)*	351.8
South Dakota	343.8
Kentucky	340.7
North Dakota	329.6
Connecticut	329
	328.6
New Jersey	
Missouri	322.7
Jtah	289.2
Colorado	278.2
New York City*	214.7
Dklahoma	212.2
North Carolina	208.2
/irginia	204.7
Vyoming	202.3
ennessee	194,9
District of Columbia	182.4
Arkansas	178.1
Naska	176.1
daho	167.6
Nevada	162
Montana	151.4
Oregon	145.3
outh Carolina	141.5
Vashington	130.8
California	116.6
Mississippi	116.3
Georgia	86.3
Alabama	81.7
ouisiana	65.8
Florida	63.1
exas	62
/irgin Islands	59.3
Hawaii	50
	38
Suam Manufand	
Maryland	30.9
Puerto Rico	27.2
Northern Mariana Islands	0
Palau	0
Republic of Marshall Islands	0
American Samoa	N/A
ederated States of Micronesia	N/A

CDC, United States COVID-19 Cases, Deaths, and Laboratory Testing (NAATs) by State, Territory, and Jurisdiction, (View: Cases, Time Period: Last 7 Days, Metric: Rate per 100,000, *Data Table for Cumulative Cases per 100k in Last 7 Days*, <a href="https://covid.cdc.gov/covid-data-tracker/#cases">https://covid.cdc.gov/covid-data-tracker/#cases</a> casesper100klast7days (last seen on December 10, 2021).

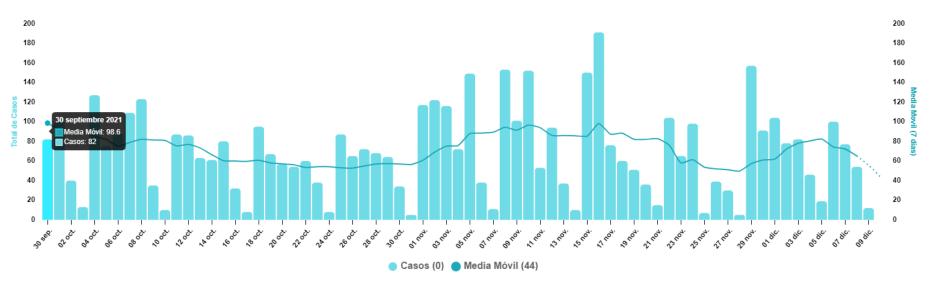




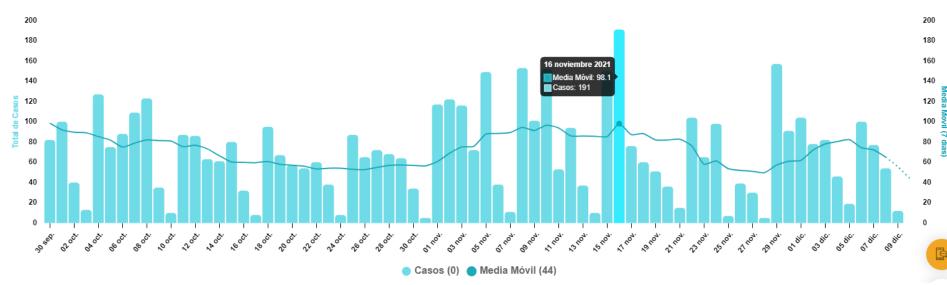
Puerto Rico Health Department, COVID-19 en Cifras en Puerto Rico, Casos, <a href="https://covid19datos.salud.gov.pr/#casos">https://covid19datos.salud.gov.pr/#casos</a> (last seen on December 12, 2021)

Appendix 10

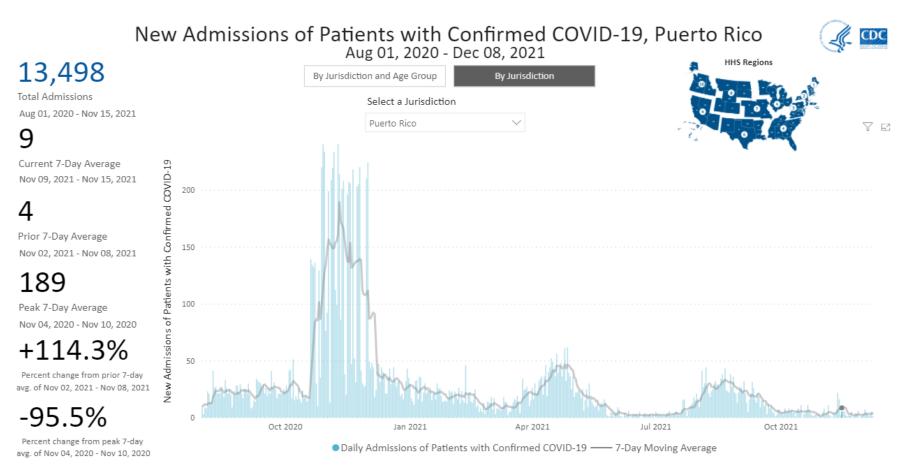
Conteo diario de casos confirmados (PCR) para COVID-19 notificadas por fecha de toma de muestra



Conteo diario de casos confirmados (PCR) para COVID-19 notificadas por fecha de toma de muestra



Puerto Rico Health Department, COVID-19 en Cifras en Puerto Rico, Casos, <a href="https://covid19datos.salud.gov.pr/#casos">https://covid19datos.salud.gov.pr/#casos</a> (last seen on December 12, 2021)



Based on reporting from all hospitals (N=5,260). Due to potential reporting delays, data reported in the most recent 7 days (as represented by the shaded bar) should be interpreted with caution.

Small shifts in historic data may occur due to changes in the CMS Provider of Services file, which is used to identify the cohort of included hospitals. Data since December 1, 2020 have had error correction methodology applied. Data prior to this date may have anomalies that are still being resolved. Data prior to August 1, 2020 are unavailable.

Last Updated: Dec 10, 2021

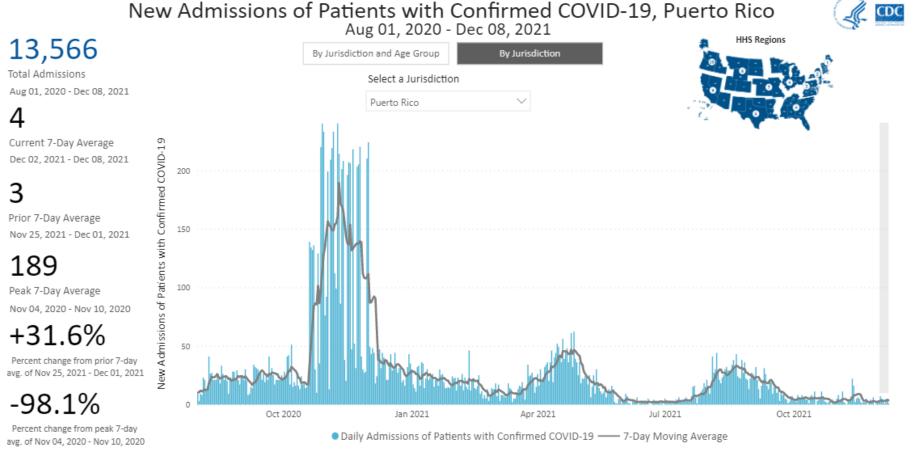
Unified Hospital Dataset, White House COVID-19 Team, Data Strategy and Execution Workgroup

CDC,

New

Hospital

Admissions, New Admissions of Patients with Confirmed COVID-19, Puerto Rico (By Jurisdiction, Select Jurisdiction: Puerto Rico), <a href="https://covid.cdc.gov/covid-data-tracker/#new-hospital-admissions">https://covid.cdc.gov/covid-data-tracker/#new-hospital-admissions</a> (last seen on December 10, 2021).



Based on reporting from all hospitals (N=5,260). Due to potential reporting delays, data reported in the most recent 7 days (as represented by the shaded bar) should be interpreted with caution. Small shifts in historic data may occur due to changes in the CMS Provider of Services file, which is used to identify the cohort of included hospitals. Data since December 1, 2020 have had error correction methodology applied. Data prior to this date may have anomalies that are still being resolved. Data prior to August 1, 2020 are unavailable. Last Updated: Dec 10, 2021

Unified Hospital Dataset, White House COVID-19 Team, Data Strategy and Execution Workgroup

CDC,

New

Hospital Admissions, New Admissions of Patients with Confirmed COVID-19, Puerto Rico (By Jurisdiction, Select Jurisdiction: Puerto Rico), https://covid.cdc.gov/covid-datatracker/#new-hospital-admissions (last seen on December 10, 2021).

#### Case 3:21-cv-01411-RAM-MEL Document 83-1 Filed 12/14/21 Page 13 of 22

## Appendix 13

#### **E Sistema de Salud**

Actualizado el 12/10/2021

Datos de los Sistemas de Salud relacionados al COVID-19









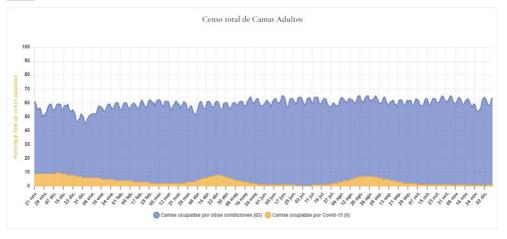


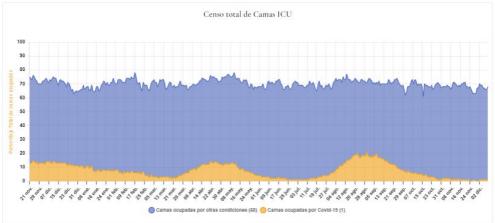
#### Sistemas de Salud en Puerto Rico

Hospitalizaciones en Puerto Rico por COVID-19

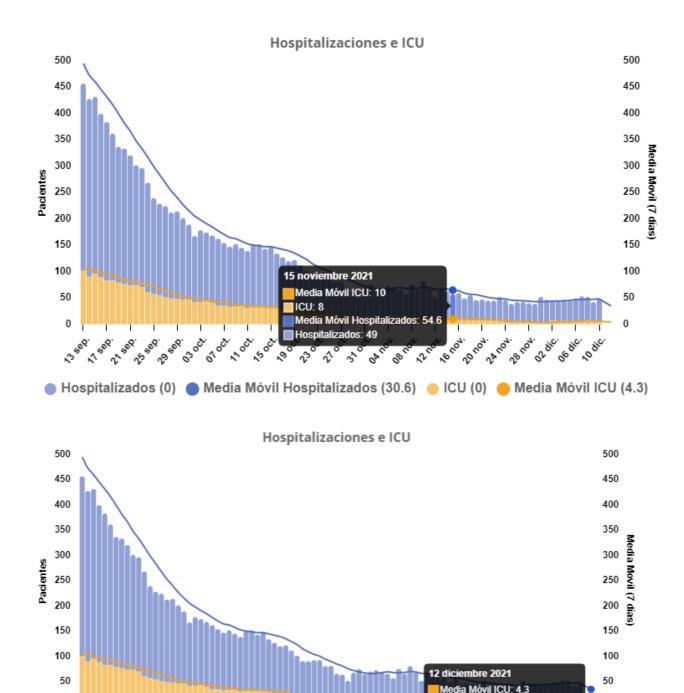
Hoy Histórico

#### Adultos





Puerto Rico Health Department, COVID-19 en Cifras en Puerto Rico, Sistemas de Salud, https://covid19datos.salud.gov.pr/#sistemas\_salud (last seen on December 10, 2021).



Puerto Rico Health Department, COVID-19 en Cifras en Puerto Rico, Resumen Ejecutivo (Hospitalizaciones e ICU), <a href="https://covid19datos.salud.gov.pr/#resumen\_ejec">https://covid19datos.salud.gov.pr/#resumen\_ejec</a> (last seen on December 12, 2021)

Hospitalizados (0) Media Móvil Hospitalizados (30.6) ICU (0) Media Móvil ICU (4.3)

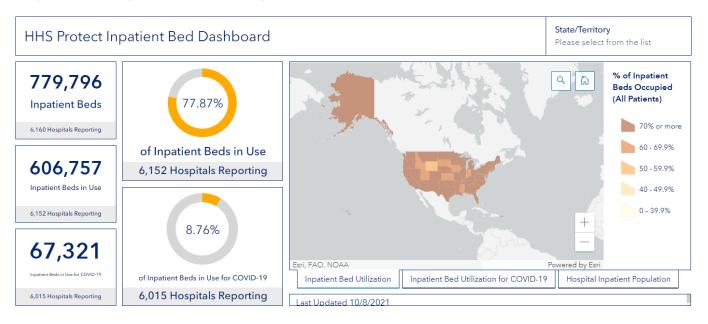
0

ICU: 0

Media Móvil Hospitalizados: 30.6

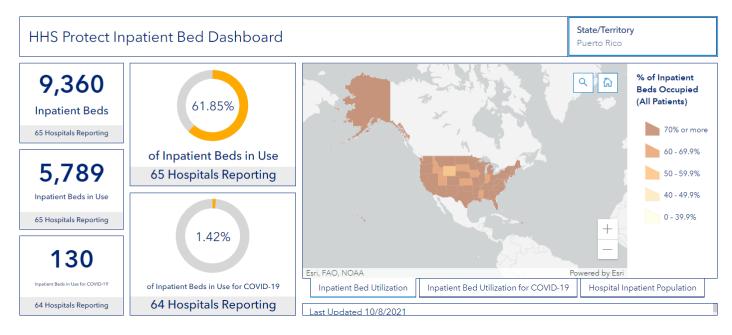
#### Inpatient Bed Utilization by State

Select your State or Territory from the dropdown on the right to see information on inpatient bed utilization.

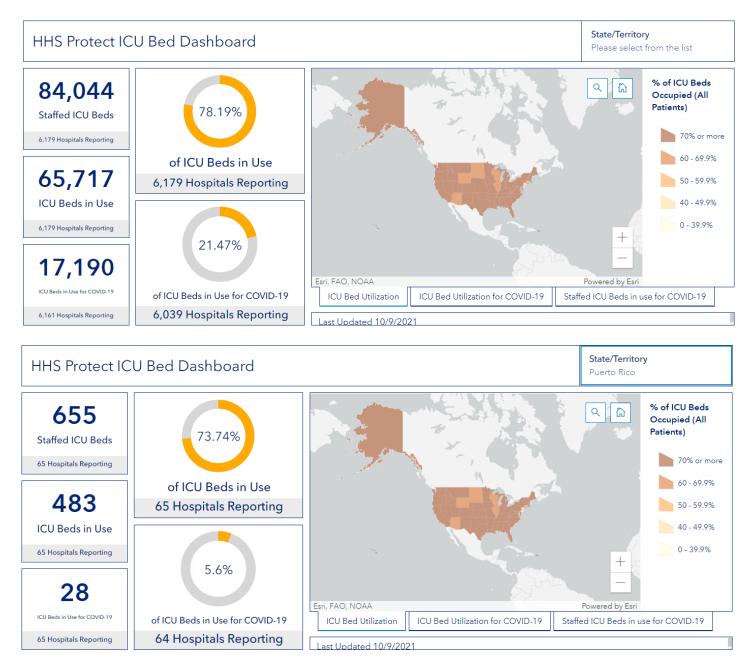


#### Inpatient Bed Utilization by State

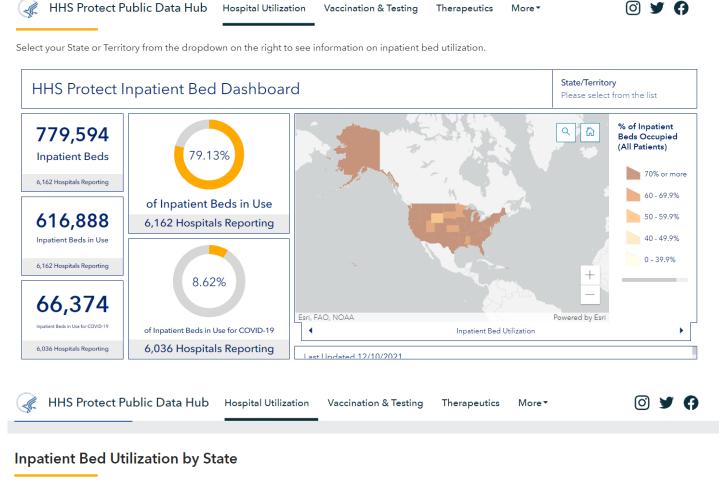
Select your State or Territory from the dropdown on the right to see information on inpatient bed utilization.



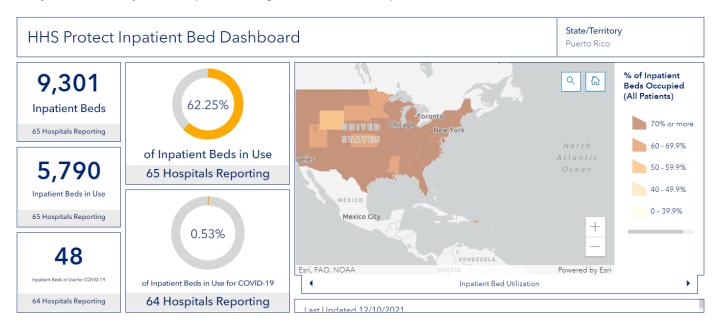
HHS, HHS Protect Inpatient Bed Dashboard, https://protect-public.hhs.gov/pages/hospital-utilization (last seen on October 8, 2021)

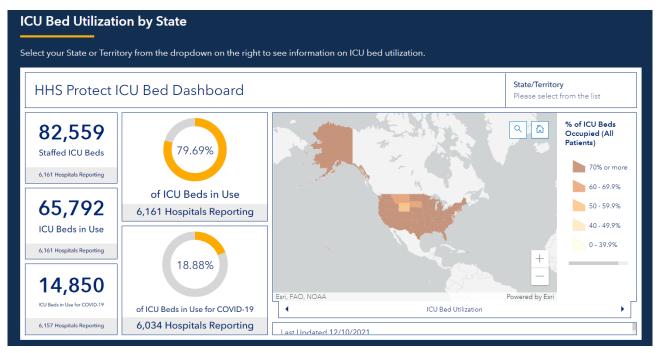


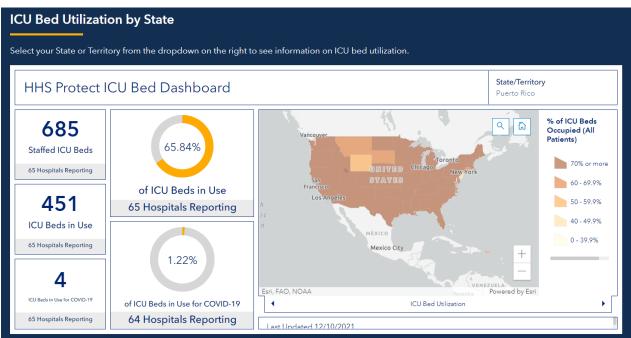
HHS, HHS Protect ICU Bed Dashboard, https://protect-public.hhs.gov/pages/hospital-utilization (last seen on October 9, 2021)



Select your State or Territory from the dropdown on the right to see information on inpatient bed utilization.







HHS, HHS Protect ICU Bed Dashboard, https://protect-public.hhs.gov/pages/hospital-utilization (last seen on December 10, 2021).

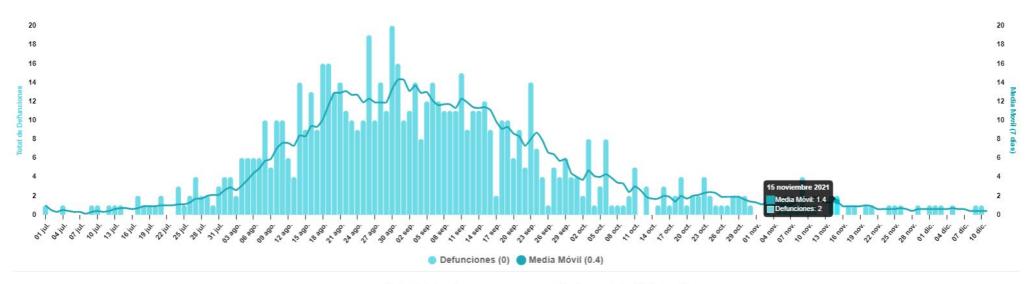


Puerto Rico Health Department, COVID-19 en Cifras en Puerto Rico, Resumen Ejecutivo, https://covid19datos.salud.gov.pr/#resumen\_ejec (last seen on December 10, 2021).

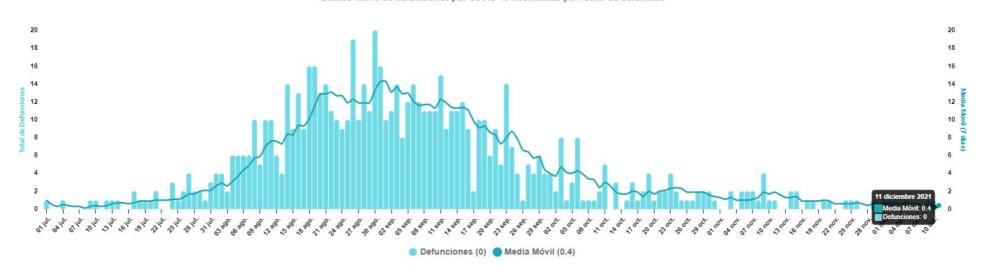
#### Case 3:21-cv-01411-RAM-MEL Document 83-1 Filed 12/14/21 Page 20 of 22

## Appendix 20

Conteo diario de defunciones por COVID-19 notificadas por fecha de defunción



Conteo diario de defunciones por COVID-19 notificadas por fecha de defunción



Puerto Rico Health Department, COVID-19 en Cifras en Puerto Rico, Defunciones, https://covid19datos.salud.gov.pr/#defunciones (last seen on December 12, 2021)

# Case 3:21-cv-01411-RAM-MEL Document 83-1 Filed 12/14/21 Page 21 of 22

## Appendix 21

DC   Data as of: November 15, 2021 12:40 PM ET. Posted: November 15, 2021 2:0	IO PM ET	Download Data
State/Territory 🕏	7-Day Death Rate per 100,000 \$	
Nyoming	9.5	
Montana	6.3	
Alaska	5.3	
Kentucky	4.9	
Dhio	4.9	
	4.9	
West Virginia		
Oregon	4.3	
daho	4.1	
Pennsylvania	3.9	
Georgia	3.7	
Colorado	3.5	
North Dakota	3.5	
Arizona	3.4	
New Mexico	3.2	
owa	3.1	
Guam	3	
Texas	3	
Kansas	2.9	
Indiana	2.8	
Nevada	2.8	
Alabama	2.5	
South Dakota	2.5	
Arkansas	2.4	
Minnesota	2.4	
Delaware	2.3	
New Hampshire	2.3	
Utah	2.3	
Virginia	2.3	
Michigan	2.2	
Wisconsin	2.2	
Maine	2.1	
Washington	2.1	
Oklahoma	1.9	
Tennessee	1.9	
Louisiana	1.7	
Nebraska	1.6	
New York*	1.6	
California	1.5	
Missouri	1.5	
Massachusetts	1.4	
Maryland	1.3	
Mississippi	1.3	
Rhode Island	1.3	
Illinois	1.2	
Hawaii	1.1	
North Carolina	1.1	
Vermont	1.1	
Connecticut	1	
New Jersey	1	
New York City*	0.9	
South Carolina	0.9	
Virgin Islands	0.9	
District of Columbia	0.3	
Puerto Rico	0.3	
Florida	0.1	
Northern Mariana Islands	0	
Palau	0	
Republic of Marshall Islands	0	
American Samoa	N/A	
Federated States of Micronesia	N/A	
New York (Level of Community Transmission)*	N/A	

CDC, United States COVID-19 Cases, Deaths, and Laboratory Testing (NAATs) by State, Territory, and Jurisdiction, (View: Deaths, Time Period: Last 7 Days, Metric: Rate per 100,000), Data Table for Cumulative Cases per 100k in Last 7 Days, <a href="https://web.archive.org/web/20211116192651/https://covid.cdc.gov/covid-data-tracker/#cases">https://web.archive.org/web/20211116192651/https://covid.cdc.gov/covid-data-tracker/#cases</a> deathsper100klast7days (last seen on December 10, 2021).

# Case 3:21-cv-01411-RAM-MEL Document 83-1 Filed 12/14/21 Page 22 of 22

# Appendix 22

Data as of: December 10, 2021 12:55 PM ET. Posted: December 10, 2021 3:36 PM E	T .	Dow
		501
ate/Territory 🕈	7-Day Death Rate per 100,000 <b>♦</b>	
yoming	7.6	
rizona	6.5	
est Virginia	6.1	
ennessee	5.9	
ennsylvania	4.9	
ichigan	4.7	
innesota	4.6	
ontana	4.6	
diana	4.5	
orth Dakota	4.2	
buth Dakota		
	4.2	
ebraska	4.1	
isconsin	4	
rkansas	3.9	
plorado	3.8	
aho	3.6	
hio	3.6	
wa	3.3	
evada	3.3	
ew Mexico	3.2	
entucky	3	
•		
ew Hampshire	3	
regon	3	
elaware	2.9	
tah	2.7	
inois	2.5	
aine	2.5	
ew York*	2.4	
ensas	2.2	
assachusetts	2.1	
ashington	2	
	1.8	
eorgia		
issouri	1.8	
rginia	1.7	
outh Carolina	1.5	
exas	1.5	
orth Carolina	1.4	
ermont	1.4	
alifornia	1.3	
ew Jersey	1.2	
puisiana	1.1	
ew York City*	1.1	
hode Island	1.1	
onnecticut 	1	
awaii	0.9	
abama	0.8	
ississippi	0.7	
uam	0.6	
aska	0.4	
aryland	0.3	
orida	0.1	
klahoma	0.1	
erto Rico	0.1	
strict of Columbia	0	
orthern Mariana Islands	0	
alau	0	
epublic of Marshall Islands	0	
rgin Islands	0	
merican Samoa	N/A	
ederated States of Micronesia	N/A	
ew York (Level of Community Transmission)*	N/A	

CDC, United States COVID-19 Cases, Deaths, and Laboratory Testing (NAATs) by State, Territory, and Jurisdiction, (View: Deaths, Time Period: Last 7 Days, Metric: Rate per 100,000), Data Table for Cumulative Cases per 100k in Last 7 Days, <a href="https://covid.cdc.gov/covid\_data-tracker/#cases\_deathsper100klast7days">https://covid.cdc.gov/covid\_data-tracker/#cases\_deathsper100klast7days</a> (last seen on December 10, 2021).