

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CASE NO. 1:23-CV-96-MR-WCM**

USA FARM LABOR, INC., *et al.*)
)
 Plaintiffs,)
)
 v.)
)
 JULIE SU, in her official capacity)
 as Acting Secretary of Labor, *et al.*,)
)
 Defendants.)
 _____)

DEFENDANTS' MOTION TO DISMISS PLAINTIFFS' COMPLAINT

Defendants, pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure, respectfully move this Court to dismiss Plaintiffs' second amended complaint (ECF No. 10) for lack of subject-matter jurisdiction. In support of their Motion, Defendants contemporaneously file their memorandum of law herewith, along with the supporting declaration of Shane Barbour, and incorporate the contents of the same by reference as if fully set forth herein.

This the 4th day of August, 2023.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on August 4, 2023, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system, which will provide electronic notice and an electronic link to this document to all attorneys of record.

By: /s/ Joshua S. Press
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