

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

FLORIDA GROWERS  
ASSOCIATION, INC., NATIONAL  
COUNCIL OF AGRICULTURAL  
EMPLOYERS, FLORIDA CITRUS  
MUTUAL, FLORIDA FRUIT AND  
VEGETABLE ASSOCIATION, G&F  
FARMS, LLC and FRANBERRY  
FARMS, LLC,

Plaintiffs,

v.

Case No: 8:23-cv-889-CEH-CPT

JULIE A. SU, BRENT PARTON,  
BRIAN PASTERNAK and JESSICA  
LOOMAN,

Defendants.

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**ORDER**

This matter comes before the Court on Defendants' Motion to Dismiss Count IV of the Amended Complaint for Failure to State a Claim (Doc. 79), and Plaintiffs' Response (Doc. 80). In this Administrative Procedure Act action, Plaintiffs, a group of agricultural employers, challenge a Final Rule issued by the United States Department of Labor in February 2023. Plaintiffs filed an Amended Complaint on April 12, 2024. Doc. 78. Defendants now move to dismiss Count IV of the Amended Complaint. Doc. 79. In response, Plaintiffs consent to the dismissal of Count IV in the interest of a timely resolution of the remaining counts. Doc. 80.

Considering Plaintiffs' concession, Defendants' Motion to Dismiss Count IV is due to be granted. Defendants are directed to file a responsive pleading within 14 days. *See* Fed. R. Civ. P. 12(a)(4)(A).

Accordingly, it is **ORDERED**:

1. Defendants' Motion to Dismiss Count IV of the Amended Complaint for Failure to State a Claim (Doc. 79) is **GRANTED**. Count IV of the Amended Complaint is dismissed.
2. Defendant is directed to file a responsive pleading within fourteen (14) days from the date of this Order.

**DONE** and **ORDERED** in Tampa, Florida on June 7, 2024.

  
Charlene Edwards Honeywell  
United States District Judge

Copies furnished to:

Counsel of Record  
Unrepresented Parties